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**Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime**
Tenth session
Vienna, 17-28 July 2000

# Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its ninth session, held in Vienna from 5 to 16 June 2000

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# I. Introduction

1. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established by the General Assembly in its resolution 53/111 of 9 December 1998.

2. In its resolution 54/126 of 17 December 1999, the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in 2000.

# II. Organization of the session

## A. Opening of the session

3. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held its ninth session in Vienna from 5 to 16 June 2000. The Ad Hoc Committee held 18 meetings.

4. At its eighth session, held in Vienna from 21 February to 3 March 2000, the Ad Hoc Committee had decided to consider at its ninth session articles 2, 2 *bis* (subpara. (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16 of the revised draft United Nations Convention against Transnational Organized Crime, as well as to continue its second reading of the draft additional international legal instrument against trafficking in persons, especially women and children.

5. The representative of Guatemala, speaking on behalf of the Group of Latin American and Caribbean States, stated that, at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders[1] and, more specifically, in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-First Century,[2] the participating States had declared that they would accord high priority to the completion of the negotiation of the Convention and its Protocols. The members of the Group wished to reiterate their commitment to achieving that goal. On several occasions, the Group had expressed the view that the vigorous pace of the negotiations should not affect the capacity and willingness of all States to participate in those important discussions on an equal basis. The members of the Group therefore approached the process with a flexible and constructive attitude, considering that the primary objective was to conclude universal instruments that met the concerns of the international community. Finally, the Group was taking a positive attitude towards the possibility of seeking to conclude the negotiation of the Convention at the tenth session of the Ad Hoc Committee.

## B. Attendance

6. The ninth session of the Ad Hoc Committee was attended by representatives of 116 States. Also attending the ninth session were observers for organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations. A list of participants is contained in annex I to the present report.

## C. Adoption of the agenda and organization of work

7. At its 137th meeting, on 5 June 2000, the Ad Hoc Committee adopted the following agenda for its ninth session:

1. Opening of the ninth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the additional international legal instrument against trafficking in persons, especially women and children.
4. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16.
5. Adoption of the report of the Ad Hoc Committee on its ninth session.

## D. Documentation

8. At its ninth session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Argentina, Azerbaijan, Belgium, Cameroon, Canada, China, Colombia, Egypt, Germany, the Holy See, Italy, the Libyan Arab Jamahiriya, Mexico, Morocco, the Netherlands, Peru, the Philippines, Spain, the Syrian Arab Republic, Thailand and the United States of America, and by the European Community. A list of documents is contained in annex II to the present report.

# III. Discussion on the additional international legal instrument against trafficking in persons, especially women and children

9. At its 137th-146th meetings, the Ad Hoc Committee discussed the additional legal instrument against trafficking in persons, especially women and children. It based its work on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.6) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.25, A/AC.254/L.194, A/AC.254/L.196, A/AC.254/L.201 and A/AC.254/L.202). The Ad Hoc Committee also had before it proposals submitted by the European Community (A/AC.254/L.197) and by an informal working group at the request of the Chairperson (A/AC.254/L.205). Further, the Ad Hoc Committee had before it proposals submitted by the Chairperson (A/AC.254/L.206) and by the Secretariat at the request of the Chairperson (A/AC.254/L.204).

10. The representative of Portugal, speaking on behalf of the States members of the European Union that are Members of the United Nations, informed the Ad Hoc Committee that the representative of the European Commission had been mandated by the Council of the European Union to negotiate on behalf of 12 of the States members of the European Union articles 5, 6 (para. 3), 8 and 9 of the draft Protocol. The Chairman stated that the Ad Hoc Committee would take note of that statement on the understanding that the mandate would not affect the observer status of the European Commission.

11. At its ninth session, the Ad Hoc Committee continued its second reading of the draft Protocol. The new version of the articles of the draft Protocol discussed at the

ninth session of the Ad Hoc Committee was issued in document A/AC.254/L.211/Add.2. The progress achieved in negotiating the draft Protocol by the Ad Hoc Committee at its ninth session will be reflected in a new version of the draft Protocol.[3]

## IV. Discussion on the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 bis (subparagraph (a) only), 4 bis, 9, 10, 10 bis, 14, 14 bis, 15 and 16

12. At its 147th-154th meetings, the Ad Hoc Committee discussed articles 2, 2 *bis* (subpara. (a) only), 4 *bis*, 9 and paragraphs 1-10 of article 10 of the draft Convention. Because of lack of time, paragraphs 11-15 of article 10 and articles 10 *bis*, 14, 14 *bis*, 15 and 16 of the draft Convention were not discussed and discussion of them was therefore deferred to the tenth session of the Ad Hoc Committee. The Ad Hoc Committee based its work on the revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.8) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.20, A/AC.254/5/Add.23, A/AC.254/L.199, A/AC.254/L.203, A/AC.254/L.210, A/AC.254/L.212, A/AC.254/L.213 and A/AC.254/L.214). The Ad Hoc Committee, continued the process of reaching agreement on the final text in accordance with the relevant recommendation of its Chairman. The Ad Hoc Committee approved paragraphs 1-10 of article 10 of the draft Convention. The progress achieved at the ninth session will be reflected in a new version of the draft Convention.[4]

13. The representative of Thailand presented the report of the Asia-Pacific Ministerial Seminar on Building Capacities for Fighting Transnational Organized Crime, held in Bangkok on 20 and 21 March 2000. Representatives of 20 countries had attended the seminar. The participants had issued a joint ministerial statement in which they had declared the firm political will of countries in the region to use all possible measures to combat transnational crime and the determination of those countries to build and strengthen national policies and to enhance regional cooperation. They had also recognized the need for financial and technical assistance as an important factor in determining effective implementation and recognized an immediate need to combat corruption, welcoming the possible development of another international instrument. They had further declared firm support for the work of the Ad Hoc Committee in finalizing the Draft Convention and its Protocols. The representative of Thailand also informed the Ad Hoc Committee of the Association of South-East Asian Nations (ASEAN) Ad Hoc High-Level Experts Meeting on the draft Convention, held in Bangkok from 22 to 24 May 2000. The participants at that meeting had expressed their intention to continue to be involved in and to contribute to the process of negotiation in a constructive manner. They had expressed their full support for the proposal of Singapore regarding article 2 of the draft Convention on the scope of application and had discussed the related issue of mobilization of financial and technical assistance, which was deemed to be a significant factor for a successful convention. All delegations of ASEAN member States were aware of the urgent need to conclude the Convention and its Protocols by the end of 2000, as mandated by the General Assembly. However, that should be done in a way that would make it possible to meet the concerns of all States in a reasonable manner.

14. The Chairman commended the Government of Thailand for organizing and hosting the Ministerial Seminar and for the commitment that that initiative had demonstrated.

15. The representative of Portugal, speaking on behalf of the States members of the European Union that are Members of the United Nations, informed the Ad Hoc Committee that the representative of the European Commission had been mandated by the Council of the European Union to negotiate on behalf of all the States members of the European Union some aspects of article 4 *bis* of the draft Convention. The Chairman stated that the Ad Hoc Committee would take note of that statement on the understanding that the mandate would not affect the observer status of the European Commission.

## V. Informal consultations

16. At its fourth session, the Ad Hoc Committee had decided that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate.

17. At its eighth session, the Ad Hoc Committee had decided to devote the informal consultations to be held during its ninth session, from 6 to 9 June 2000, to the consideration of articles 19-30 of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its tenth session. Also at its eighth session, the Ad Hoc Committee had decided to devote the informal consultations to be held from 13 to 15 June 2000 to the consideration of the additional international legal instrument against the illegal trafficking in and transporting of migrants. The documents before the Ad Hoc Committee at the informal consultations held during its ninth session were A/AC.254/4/Rev.8, A/AC.254/4/Add.1/Rev.5, A/AC.254/5/Add.23, A/AC.254/5/Add.24, A/AC.254/L.195, A/AC.254/L.198, A/AC.254/L.200, A/AC.254/L.208, A/AC.254/L.209 and A/AC.254/CRP.25.

18. The recommendations of the informal consultations were submitted to the Ad Hoc Committee by their Chairpersons (A/AC.254/L.207 and Add.1/Rev.1 and A/AC.254/L.215 and Add.1).

## VI. Adoption of the report of the Ad Hoc Committee on its ninth session

19. At its 154th meeting, on 16 June 2000, the Ad Hoc Committee adopted the report on its ninth session (A/AC.254/L.211).

20. At the same meeting, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its tenth session, to be held in Vienna from 17 to 28 July 2000 (A/AC.254/L.211/Add.1).[5]

21. In approving the provisional agenda and proposed organization of work for its tenth session, the Ad Hoc Committee decided that its tenth session would be devoted to the finalization and approval of the draft Convention for submission to the General Assembly at its fifty-fifth session for adoption in accordance with Assembly resolution 54/126.

22. The Ad Hoc Committee also decided that it would hold its eleventh session in October 2000 and that it would devote that session to the consideration of the three additional international legal instruments, in accordance with General Assembly resolutions 53/111 and 54/126.

23. The Chairman requested all regional groups to appoint representatives to form a group that would be asked to ensure consistency of the text of the draft Convention in all official languages of the United Nations at the tenth session of the Ad Hoc Committee.

24. The Chairman requested the Secretariat to prepare a document outlining the structure of the official records of the negotiations (the *travaux préparatoires*) and compiling therein all notes intended for the official records to which the Ad Hoc Committee had already agreed and which at present appeared as footnotes in the text of the draft Convention.

25. The representative of Slovenia informed the Ad Hoc Committee that the Group of Eastern European States had decided to appoint the representatives of the Russian Federation and Slovakia to the group mentioned in paragraph 23 above.

*Notes*

[1] See A/CONF.187/15.

[2] A/CONF.187/15, chap. I, resolution 1.

[3] To be issued subsequently as document A/AC.254/4/Add.3/Rev.7.

[4] To be issued subsequently as document A/AC.254/4/Rev.9.

[5] To be issued subsequently as document A/AC.254/32.

# Annex I

## List of participants

**States**

| | |
|---|---|
| Afghanistan | Farid A. Amin |
| Algeria | Mokhtar Reguieg, Linda Briza, Mohammed Ghacham, Mansour Kadidir, Mokhtar Lakhdari, Abdelkader Errouane |
| Angola | Henrique dos Santos, Astrigildo Culolo, Jorge de Mendonça Perreira, Valmiro de Cruz Verdades |
| Argentina | Juan de Lezica, Eugenio Curia, Francisco d'Albora, Beatriz Vivas de Lezica |
| Australia | Steven Marshall, Peter Scott, Suzanne Tatam, Helen Stylianou |
| Austria | Irene Freudenschuss-Reichl, Fritz Zeder, Ulrike Kathrein, Barbara Fuernkranz, Christian Fellner, Gregor Schusterschitz, Alexander Wojda, Christian Manquet, Elisabeth Marschang, Christian Ebner |
| Azerbaijan | Vaqif Sadiqov, Baylar Abbasov, Rufat Mansurov, Fikret Axundov |
| Bangladesh | Ismat Jahan |
| Belarus | Victor Chaichits, Olga Zvereva |
| Belgium | Michel Adam, Hubert Roisin, J. S. Jamart, Wouter Boucique, Tina Scholiers, Linda Conincks, W. De Meyer |
| Belize | Alexander Piletsky, Kwan Rhee, Elina Piletsky |
| Benin | Antoine Gouhouede |
| Bolivia | Jaime Niño de Guzmán , Juan Ignacio Siles |
| Brazil | Elizabeth Süssekind, Sergio de Queiroz Duarte, Oswaldo Eurico Balthazar Portella, Luís Ivaldo Villafañe Gomes Santos |
| Bulgaria | Ivan Naydenov, Traiko Spasov |
| Burkina Faso | Thomas Dakouré, Wéta Zingue, Adama Ouedraogo |
| Burundi | Pierre Ndayisenga |
| Cameroon | Egbe Achuo Hillman, Bisseck Raphael, Tehane Levi, Yay Jean Gabriel, Enama Atangana, Ela Emmanuel Thierry, Atangana Michel Auguste, M. Bahanag Bahanag |
| Canada | Keith Morrill, Alan Morgan, Robert Sinclair, Audrey Tomick, Debra Normoyle, Keith Bell, Susan Spenard, Jacques Lemire |
| Cape Verde | Felisimo Garcia Cardoso |
| Chile | Raimundo Gonzalez, Patricio Powell, Juan Carlos Salazar |
| China | Zhang Yishan, Liu Yinghai, Zhai Jinrong, Sun Ang, Bai Ping, Zhu Yong, Zhang Jinfeng, Niu Jianrong, Wu Haiwen |

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| Colombia | Héctor Charry Samper, Germán Vallejo Almeida, Carlos Rodriguez Bocanegra, Diana Patricia Mejia Molina |
| Comoros | Mirhane Bohane |
| Costa Rica | Stella Aviram Neuman, Carlos Bueno Guzmán |
| Croatia | Mario Nobilo, Ranko Vilović, Željko Horvatić, Zoran Nekić, Marijana Kujundžić |
| Cuba | Luis García Peraza, Pablo Rodriguez Vidal, Georgina Fajardo Diaz |
| Cyprus | Nicolaos D. Macris, Anni Shakalli, Maria Papaioannou, Antonios Theocharous |
| Czech Republic | Milan Dufek, Petr Rybák, Pavel Šturma, Petr Vojtěchovský, Tomáš Rumpl, Jaroslav Štěpánek |
| Denmark | Rikke Freil Schaumann, Kristian Bartholin, Anders Karlsen |
| Djibouti | Omar Houssein Hassan |
| Ecuador | Patricio Palacios Cevallos, Franklin Chávez, Juan F. Holguín, Santiago Martínez |
| Egypt | Sameh Hassan Shoukry, Abdel Maguid Mahmoud, Ahmed Swan, Soliman Abdel Moneim, Yasser El Atawi |
| Finland | Tom Grönberg, Jaakko Halttunen, Matti Joutsen, Aila Salminen, Kari Koivuniemi, Robin Lardot, Marjut Jyrkinen, Päivi Rotola-Pukkila |
| France | Bérengère Quincy, Philippe Delacroix, Eric Ruelle, Anne Delahaie, Anne-Sylvie Delouvrier, Jean-Luc M. Peduzzi, Claudine Jacob, Delphine Lida, Jean Louis Bouvier, Jacques Lajoie, Catherine Thony, Patrick Deunet, Christine Dubois |
| Gambia | Rex King |
| Georgia | Levan Mikeladze, Zurab Chapidze |
| Germany | Karl Borchard, Hans Peter Plischka, Angelika Moehlig, Thomas Fitschen, Alexander Bollongino, Dagmar Busch, Martina Lapacz, Bernd Rossbach, Gerhard Neurohr, Joachim Rzenicki-Weyers, Nicole Zuendorf-Hinte, Sabine Becker, Joachim Ziegler |
| Greece | Ioannis Aggelis, Konstantinos Matzoukas, Emmanuel Gounaris, Regina Desfinioti, Ekaterini Fountoulaki |
| Guatemala | Federico Urruela Prado, José Antonio Monzón Juarez, Sylvia Wohlers de Meie, Rosi de Monzón |
| Guinea | Cyrille Conde |
| Haiti | Claudy Gassant |
| Holy See | Dominique Rézeau, Raffaella Manoni Zagaria |
| Hungary | Tibor Tóth, László Gál, Zoltán Márki, Sándor Virág, Ákos Borai, Attila Zsigmond, Gizella Vass, Andrea Igazi, Beáta Gurmai |
| India | Jayant Umranikar |

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| Indonesia | Romli Atmasasmita, Sapartini S. Kuntjoro Jakti, Diar Nurbintoro, Haris Nugroho |
| Iran (Islamic Republic of) | Mehdi Danesh-Yazdi, Ali Hajigholam Saryazdi, Mahmoud Khani Joyabadi, Fariborz Bakhtiariasl |
| Iraq | Janan Faris |
| Ireland | Tony McDermottroe, Doncha O'Sullivan, Séan Hughes, Nicholas Twist |
| Italy | Vincenzo Manno, Gioacchino Polimeni, Massimo Curcio, Umberto de Augustinis, Giusto Sciacchitano, Elisabetta Rosi, Gualtiero Michelini, Ennio di Francesco, Giovanni C. Olimbo, Alfredo Nunzi, Roberta Barberini |
| Japan | Masayoshi Kamohra, Michiaki Ozaki, Kiyoshi Koinuma, Kuniko Ozaki, Kazuhito Sakurai, Keisuke Senta, Katsuhiro Hirokami, Haruhiko Fujimoto, Masao Sato, Koshi Yamasaki, Katsunori Imai, Tadashi Ueno, Nobuhiro Watanabe, Yuko Sano, Takeshi Hayakawa, Hiroshi Fukano, Aya Umezu, Yuichiro Tachi, Chikara Sato |
| Jordan | Malek Twal, Abdel Mahdi Aldmour, Leena Al-Hadid |
| Kazakhstan | A. A. Akhmetov |
| Kenya | Michael D. Kinyanjui, Florence T. Ochieng |
| Lebanon | William Habib, Georges Boustani, Walid Koleilat, Caroline Ziadé |
| Libyan Arab Jamahiriya | Said Abdulaati, Dafer A. Elmrayed, Khaled Falah, Faisal Elshaeri |
| Liechtenstein | Patrick Ritter |
| Lithuania | Šarūnas Adomavičius |
| Luxembourg | Georges Santer, Katja Kremer, Martine Solovieff, Pierre Franck, Pierre Ferring |
| Madagascar | Maurice Randrianame |
| Malawi | C. D. Chiwanga |
| Malaysia | Muniandy Kannyapan, Admad Anwar Adnan, Hashim Sharat, Haslinda Mohammad Tajudin |
| Mali | Boubacar Baba Diarra |
| Malta | Noel Buttigieg Scicluna, Mario Buttigieg |
| Mauritania | Sidi Abdoullah Braham |
| Mauritius | Jean Claude Sunglee |
| Mexico | Olga Pellicer Silva, María Isabel Garza Hurtado, Joel Hernandez, Vanessa Patiño Bonnemarie, Arturo Ruiz Martinez, Elvira Perez Gonzalez, Rafael Laveaga Rendon, Samuel Berkstein Kanarek, Irma Cue Sarquis |
| Morocco | Abdellatif Saadi, Jamal El Hadary, Mohammed Abkari |

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| Mozambique | Fernando Manhiça, Pedro Sinai Nhatitima, Zainadine Dalsuco, João Brito Cunha, Lourenço Mavie, Abdel Chicalia |
| Myanmar | Sit Aye |
| Namibia | Lineekela J. Mboti, H. L. Awaseb |
| Netherlands | Jaap Ramaker, Marjorie Bonn, Liesbeth Lijnzaad, Jan Peek, Just Wiarda, Edward Riks, Michiel Bierkens |
| New Zealand | Joan Mosley, Nazla Carmine, Roger Smith, Paul Oertly |
| Niger | Abdou Adamou |
| Nigeria | Abdul Bin Rimdap, Tony I. Esu, F. N. Molokwu, Sunday Ehindero, Abba B. Mohammed, Adelakun Abel Ayoko |
| Norway | Helga Hernes, Lars Meling, Birgit Vinnes, Fredrik Böckman Finstad, Jan Pieter Groenhof, Ola Rambjør Heidi, Vibeke Knudsen, Gjermund Saether |
| Oman | Ahmed Said Al-Hassani |
| Pakistan | Shaukat Umer, Iffat Imran Gardezi |
| Peru | Javier Paulinich Velarde, Liliam Ballón de Amézaga, Raúl Loarte Ramos, Manuel Alvarez Espinal |
| Philippines | Victor G. Garcia III, Aurora Javate-De Dios, Andres G. Caro II, Maria Cleofe R. Natividad, Constancio R. Vingno, Jr. |
| Poland | Janusz Rydzkowski, Mariusz Skowroński, Michal Plachta, Zbigniew Wrona, Beata Ziorkiewicz, Edyta Lapinska |
| Portugal | João Rosa lã, Carlos Pais, Mário Gomes Dias, Euclides Dâmaso Simões, Victor Chaves de Almeida, Liliana Araujo, Maria do Carmo Costa, António Folgado, Eduardo Lobo Rodrigues |
| Qatar | Salim Saqar Saeed Al-Morekhi |
| Republic of Korea | Chung Hae-moon, Choi Hong-ghi, Paek Kee-bong, Che Dong-hwan |
| Romania | Nicoleta Iliescu, Adrian Vierita |
| Russian Federation | Sergei N. Karev, Valery V. Loshchinin, Mikhail I. Kalinin, Georgiy G. Machitidze, Alexander E. Skripilev, A. Koulba, Yuri A. Lukyanov, Igor L. Dimitrov, Igor V. Smirnov, Valentine I. Mikhailov, Alexander V. Zinevitch, Sergey V. Zemskiy, Andrei Y. Averin, Maxim V. Kotelnikov |
| Rwanda | Busingye Johnston |
| Sao Tome and Principe | Angela de Barros Lima |
| Saudi Arabia | Abdul Rahim M. Al-Ghamdi, Omar Mohammad Kurdi, Fahad N. Al-Manna, Abdullah A. Al-Yousef, Mohammad Nasser Alowlah, Mohammad Abdul Aziz Al-Mehizea, Saoud Al-Mutlaq, Abdulrahman Bin Mohamed Al-Jarallah |
| Senegal | Mamadou Lamine Fofana |

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| Singapore | Mathew Joseph, Bala Anandan, Ee Pin Marcus Song |
| Slovakia | Alojz Némethy, Oksana Tomová, Vladimír Kotulič, Pavel Slopovský, Denisa Ivanova, Metod Špaček |
| Slovenia | Bojan Bertoncelj, Peter Japelj |
| South Africa | N. J. Mxakato-Diseko, N. S. Schoombie, Peter Gastrow, P. Smith, K. Strydom, J. L. Oosthuizen, W. Vorster, N. P. Notutela |
| Spain | Antonio Ortiz, Pilar Ruiz-Carnicero, Ignacio Baylina Ruiz, Alberto Ruiz Secchi, Antonio Yébenes Gadea, Esteban Gándara Trueba, Francisco Javier González Ibañez, José María de las Cuevas Carretero, Eusterio Perez Gago, Alberto Laguia Arrazola |
| Sri Lanka | H. M. G. R. R. K. Wijeratne-Mendis, L. G. Piyasiri |
| Sudan | Abdel Ghaffar A. Hassan, Abdel Nasir Abdel Aziz Ahmed, Isaac Chinkok Kenti, Khalid Osman Mohamed Taha, Kuieng Akuei Pac |
| Swaziland | Melusie Martin Masuku |
| Sweden | Örjan Landelius, Per Hedvall, Håkan Öberg, Erica Hemtke, Marie-Louise Hallström, Christian Berg |
| Switzerland | Lorenzo Schnyder von Wartensee, Anita Marfurt, Olivier Thormann, Charles Naudi, Daniel Wüger |
| Syrian Arab Republic | Sobhi Salloum |
| Thailand | Wanchai Roujanavong, Karn Chiranond, Morakot Sriswasdi, Suphanvasa Chotikajan |
| The former Yugoslav Republic of Macedonia | Margarita Trajkova, Nenad Kolev |
| Togo | Joachim Bénivi Beni-Locco |
| Tunisia | Abdelaziz Chaabane, Emna Lazoughli, Amor Ben Mansour, Bouali Zaghouani, Nabil Ammar, Sabri Chaabani |
| Turkey | Aydin Şahinbaş, A. Asim Arar, M. Aydin Özbay, Rafet Ufuk Önder, Hakan Kirmaci |
| Ukraine | Volodymyr Ohrysko, Viktoria Kuvshynnykova |
| United Arab Emirates | Humaid Ali Mussabah Al Muhairi, Abdullah Yusuf Mohammed Al Shamsi, Abdullah Al Falasi, Abdullah Al Falahi |
| United Kingdom of Great Britain and Northern Ireland | John Freeman, Richard Bradley, Mark Etherton, Gerry Liddell, Annabelle Bolt, Neil Clowes, Robert Butlin, Nigel Parker, David Lusher |
| United States of America | Elizabeth G. Verville, Laura E. Kennedy, Mary Ellen Warlow, Kathleen W. Barmon, Jeff A. Breinholt, Thomas Burrows, Mary Helen Carlson, Danny Glaser, Kenneth Harris, Raul Pedrozo, Kenneth Propp, James Puleo, S. Gail Robertson, Herbert Traub |

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| Uruguay | Fructuoso Pittaluga-Fonseca, Gustavo Alvarez Goyoaga, Elena Fajardo |
| Venezuela | Mary Silva Paván, Ernesto Navazio |
| Viet Nam | Nguyen Pham Kim Chi |
| Yemen | Hassan M. Makki, Sharaf Adin Abdullah Al-Mabashi, Ahmed Alwan Mulhi, Nageeb Khalil Ibrahim, Faisal Fadhl Hassan, Nageeb Ismail Ali |
| Zambia | Mukutulu Sinyani, Sylvester C. Mulila |
| Zimbabwe | E. L. Kawonza, P. Mphoko |

**Entities represented by observers**

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| Palestine | Faisal Aweidah |

**United Nations**

Office for Drug Control and Crime Prevention, Office of the United Nations High Commissioner for Human Rights, Economic Commission for Europe, Office of the United Nations High Commissioner for Refugees, United Nations Children's Fund, United Nations Institute for Training and Research

**United Nations bodies and institutes of the United Nations Crime Prevention and Criminal Justice Programme network**

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, International Institute of Higher Studies in Criminal Sciences

**Other intergovernmental organizations**

Asian-African Legal Consultative Committee, Council of Arab Ministers of the Interior, Council of the European Union, European Commission, European Police Office, International Centre for Migration Policy Development, International Criminal Police Organization, International Organization for Migration, League of Arab States, Offshore Group of Banking Supervisors, Organization of the Islamic Conference, Organization for Security and Cooperation in Europe, Sovereign Military Order of Malta

**Non-governmental organizations**

*General consultative status*

International Abolitionist Federation, International Council of Women, Soroptimist International, Zonta International

*Special consultative status*

Anti-Slavery International, Asia Crime Prevention Foundation, Asian Women's Human Rights Council, Coalition against Trafficking in Women, Equality Now, Europe 2000, European Women's Lobby, Human Rights Watch, International Association of Judges, International Commission of Jurists, International Council of Jewish Women, International Council on Alcohol and Addictions, International Federation of Human Rights, International Federation of University Women, International Federation of Women in Legal Careers, International Human Rights Law Group, Italian Centre of Solidarity, Japan Federation of Bar Associations, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), World Council of Independent Christian Churches

*Roster*

International Movement against All Forms of Discrimination and Racism

# Annex II

## List of documents before the Ad Hoc Committee at its ninth session

| *Document symbol* | *Title or description* |
|---|---|
| A/AC.254/4/Rev.8 | Revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/4/Add.1/Rev.5 | Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/4/Add.3/Rev.6 and Corr.1 | Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/5/Add.23 | Proposals and contributions received from Governments on the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/5/Add.24 | Proposals and contributions received from Governments on the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/5/Add.25 | Proposals and contributions received from Governments on the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/22 and Adds. 1 and 2 and Corr.1 | Analytical study on serious crime prepared by the Secretariat |
| A/AC.254/28 | Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its eighth session, held in Vienna from 21 February to 3 March 2000 |
| A/AC.254/29 | Annotated provisional agenda and proposed organization of work for the ninth session of the Ad Hoc Committee |
| A/AC.254/30—E/CN.15/2000/4 | Progress report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime |

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| A/AC.254/L.194 | Germany: amendments to article 2 *bis* of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, submitted at the request of the Chairperson |
| A/AC.254/L.195 | United States of America: amendments to chapter II of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.196 | Holy See: amendments to articles 3, 4 and 6 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.197 | European Community: amendments to article 8 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.198 | European Community: amendments to articles 9 and 11 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.199 | Azerbaijan: amendments to articles 2 *bis* and 14 *bis* of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.200 | Azerbaijan: amendments to articles 1, 15 and 18 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.201 | Belgium: amendments to the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.202 | Argentina: amendments to article 2 *bis* of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.203 | Azerbaijan: amendments to articles 2, 2 *bis*, 4 *bis*, 9, 10, 14, 14 *bis* and 16 of the revised draft United Nations Convention against Transnational Organized Crime |

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| A/AC.254/L.204 | Amendments to articles 3 and 14 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, submitted by the Secretariat at the request of the Chairperson |
| A/AC.254/L.205 | Recommendations of the informal working group on article 2 *bis* of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations draft Convention against Transnational Organized Crime |
| A/AC.254/L.206 | Amendment to article 6 of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, submitted by the Chairperson |
| A/AC.254/L.207 and Add.1/Rev.1 | Report of the informal consultations on the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.208 | Mexico: amendment to article 8 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.209 | Mexico and Morocco: amendments to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.210 | Peru: amendment to article 14 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.211 and Add.1-3 | Draft report |
| A/AC.254/L.212 | Philippines: amendments to articles 2, 4 *bis*, 4 *ter*, 9 and 10 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.213 | United States of America: amendments to articles 9 and 10 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.214 | Egypt: amendment to article 2 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.215 and Add.1 | Report of the Chairpersons on the informal consultations on the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime |

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**Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime**
Tenth session
Vienna, 17-28 July 2000

# Annotated provisional agenda and proposed organization of work

## Provisional agenda

1. Opening of the tenth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Finalization and approval of the draft United Nations Convention against Transnational Organized Crime.
4. Draft resolution on the adoption of the Convention for consideration and action by the General Assembly at its fifty-fifth session.
5. Adoption of the report of the Ad Hoc Committee on its tenth session.

## Annotations

### 1. Opening of the tenth session of the Ad Hoc Committee

The tenth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will be convened on Monday, 17 July 2000, at 10 a.m.

### 2. Adoption of the agenda and organization of work

At its ninth session, held in Vienna from 5 to 16 June 2000, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its tenth session (A/AC.254/L.211/Add.1). The Ad Hoc Committee decided that it would devote its tenth session to the finalization and approval of the draft United Nations Convention against Transnational Organized Crime for submission to the General Assembly at its fifty-fifth session for adoption in accordance with Assembly resolution 54/126 of 17 December 1999.

The Ad Hoc Committee also decided that it would hold its eleventh session in October 2000 and that it would devote that session to the consideration of the three

additional international legal instruments, in accordance with General Assembly resolutions 53/111 of 9 December 1998 and 54/126.

The resources available to the Ad Hoc Committee at its tenth session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

The proposed organization of work contained in the annex to the present document provides more details on the meetings to be held in plenary at the ninth session of the Ad Hoc Committee.

**3. Finalization and approval of the draft United Nations Convention against Transnational Organized Crime**

At its first session, the Ad Hoc Committee concluded a first reading of articles 1-23 of the draft Convention (as contained in document A/AC.254/4). At its second session, the Ad Hoc Committee began a second reading of the draft Convention by considering articles 1-3, dealing with the objectives, the scope of application and definitions, and completed a first reading of articles 24-30. At its third session, the Ad Hoc Committee carried out a first reading of articles 4, 4 *bis*, 7 and 8. At its fourth session, the Ad Hoc Committee carried out a first reading of articles 4 *ter* and 17 *bis* and concluded a second reading of articles 5, 6, 9 and 14 (paras. 1-13). At its fifth session, the Ad Hoc Committee concluded the second reading of articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paras. 14-22), 15-17 and 18-19. At its sixth session, the Ad Hoc Committee concluded its second reading of the draft Convention by considering articles 4 *ter*, 17 *bis* and 20-30. At its seventh session, the Ad Hoc Committee began the finalization of the draft Convention by considering articles 1-3, 5 and 6. At its eighth session, the Ad Hoc Committee considered articles 2, 2 *bis* (subpara. (a) only), 4, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*. The Ad Hoc Committee postponed consideration of article 4 *bis* to its ninth session. At its ninth session, the Ad Hoc Committee considered articles 2, 2 *bis* (subpara. (a) only), 4 *bis*, 9 and paragraphs 1-10 of article 10. The Ad Hoc Committee postponed consideration of paragraphs 11-15 of article 10 and articles 10 *bis*, 14, 14 *bis*, 15 and 16 to its tenth session.

In the negotiation of articles 19-30, the Ad Hoc Committee will be assisted by the recommendations of the informal consultations held during its ninth session (see A/AC.254/L.207 and Add.1/Rev.1). For the convenience of delegations, the revised version of the draft Convention that will be before the Ad Hoc Committee at its ninth session (A/AC.254/4/Rev.9) incorporates the above recommendations of the informal consultations.

**Documentation**

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.9)

Proposals and contributions received from Governments (A/AC.254/5/Add.23)

Proposals and contributions received from Governments (A/AC.254/5/Add.26)

**4. Draft resolution on the adoption of the Convention for consideration and action by the General Assembly at its fifty-fifth session**

The Ad Hoc Committee is to consider and approve a draft resolution by which the General Assembly will adopt the draft Convention at its fifty-fifth session. In that connection, the

Ad Hoc Committee may wish to take into account the discussion held during its ninth session on articles 21 *bis* and 23 *bis* of the draft Convention, which is reflected in the footnotes to the text of those articles (see A/AC.254/4/Rev.9).

**5. Adoption of the report of the Ad Hoc Committee on its tenth session**

The Ad Hoc Committee is to adopt a report on its tenth session, the draft of which will be prepared by the Rapporteur.

# Annex

## Proposed organization of work of the tenth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 17 to 28 July 2000

| *Date* | *Time* | *Item* | *Title or description* |
|---|---|---|---|
| Monday, 17 July | 10 a.m.-1 p.m. and 3-6 p.m. | 1 | Opening of the tenth session of the Ad Hoc Committee |
| | | 2 | Adoption of the agenda and organization of work |
| | | 3 | Finalization of the draft United Nations Convention against Transnational Organized Crime: paragraphs 11-15 of article 10 |
| Tuesday, 18 July | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation: articles 10 *bis* and 14 |
| Wednesday, 19 July | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation: articles 14, 14 *bis*, 15 and 16 |
| Thursday, 20 July | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation: articles 19-30 |
| Friday, 21 July | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation: articles 1-2 *bis* |
| Monday, 24 July | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation: articles 3-4 *bis* |
| Tuesday, 25 July | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation: articles 4 *ter*-7 *ter* |
| Wednesday, 26 July | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation: articles 9 and 17-18 *ter* |
| Thursday, 27 July | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation and conclusion: any outstanding matters |
| Friday, 28 July | 10 a.m.-1 p.m. | 3 | Approval of the draft Convention |
| | and 3-6 p.m. | 4 | Draft resolution on the adoption of the Convention for consideration and action by the General Assembly at its fifty-fifth session |
| | | 5 | Consideration and adoption of the report of the Ad Hoc Committee on its tenth session |

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Tenth session
Vienna, 17-28 July 2000

# Official records (*travaux préparatoires*) of the negotiation of the United Nations Convention against Transnational Organized Crime

**Note by the Secretariat**

## I. Introduction

1. At the ninth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, the Chairman requested the Secretariat to prepare a document outlining the structure of the official records of the negotiations (the *travaux préparatoires*) and containing all the notes intended for the official records on which the Ad Hoc Committee had already agreed and which currently appeared as footnotes to the text of the draft Convention. The present note is submitted to the Ad Hoc Committee at its tenth session pursuant to that request.

## II. Background

2. *Travaux préparatoires* are the records of the negotiations preceding the conclusion of a treaty. As such, they may consist of the minutes of the plenary meetings and the comments of the conference or other body that adopted the treaty or the successive drafts of the treaty, including the various proposals on record.[1] In the case of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[2]

[1] For more details, see Sir Robert Jennings and Sir Arthur Watts (eds.), *Oppenheim's International Law*, 9th ed., 1996.

[2] See *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

the Official Records[3] comprise two volumes of records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, held in Vienna from 25 November to 20 December 1988. Volume I includes the preparatory work of the Conference; the Conference documents on organizational matters; the main Conference documents; the Final Act and resolutions adopted by the Conference; and the final text of the Convention. Volume II contains the summary records of the plenary meetings of the Conference and the summary records of the meetings of Committee I and Committee II of the Conference.

3. In addition to being a compilation of the documentation that leads to the adoption of a treaty, *travaux préparatoires* are a supplementary source of interpretation of a treaty. Primacy in interpretation value is invariably accorded to the text of the treaty. Article 31 of the 1969 Vienna Convention on the Law of Treaties[4] establishes the general rule of interpretation of a treaty. Paragraph 1 of that article provides that: "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose." The Vienna Convention goes on to provide, in article 32, that:

> "Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the application of article 31, or to determine the meaning when the interpretation according to article 31:
>
> "(a) Leaves the meaning ambiguous or obscure; or
>
> "(b) Leads to a result which is manifestly absurd or unreasonable."

Naturally, the value of preparatory work in shedding light on the meaning of a treaty will vary from case to case. However, where a treaty has been negotiated with thorough preparation and full deliberation and an efficient and complete record has been kept, the value of the *travaux préparatoires* may be significant. The International Court of Justice and its predecessor have frequently affirmed the usefulness of recourse to *travaux préparatoires*.[5]

## III. Outline of the official records of the negotiation of the United Nations Convention against Transnational Organized Crime

4. In its resolution 54/126 of 17 December 1999, the General Assembly decided that the Ad Hoc Committee would submit the final text of the Convention and the protocols thereto to the Assembly, which is the body responsible for the adoption of those instruments. The Ad Hoc Committee is thus expected to carry out all the negotiations necessary for the finalization of the draft texts. No conference of plenipotentiaries or other similar mechanism is foreseen for the adoption of the Convention and the Protocols thereto.

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[3] United Nations publication, Sales No. E.94.XI.5.

[4] United Nations, *Treaty Series*, vol. 1155, No. 18232.

[5] See *Oppenheim's International Law*, *op. cit.*

5. Consequently, the official records (*travaux préparatoires*) of the negotiation of the Convention will track the progress of the negotiations in the Ad Hoc Committee, through the evolution of the texts that the Ad Hoc Committee will submit to the General Assembly for its consideration and action. Such official records will include the preparatory work carried out by (a) the open-ended intergovernmental group of experts, established pursuant to General Assembly resolution 52/85 of 12 December 1997, at its meeting in Warsaw from 2 to 6 February 1998; (b) the Commission on Crime Prevention and Criminal Justice at its annual sessions, to the extent that they have a bearing on the negotiation process; and (c) the informal preparatory meeting of the Ad Hoc Committee, held in Buenos Aires from 28 August to 3 September 1998. The official records will contain the successive revisions of the texts and the pertinent proposals and contributions of Governments on record. Finally, the official records will contain the interpretative notes on which the Ad Hoc Committee has agreed or will agree until the conclusion of the negotiations. The interpretative notes on which the Ad Hoc Committee has already agreed are reproduced below (paras. 7-34). The notes were previously contained in footnotes to the text of the provisions of the draft Convention to which they applied. The interpretative notes would also form the basis for a subsequent commentary of the Convention and the Protocols thereto, should one be requested in future.

6. The Ad Hoc Committee should bear in mind that the compilation of the official records is a time-consuming and labour-intensive exercise. The Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances were published in 1994, six years after the adoption of the Convention. In view of its present strength and workload, the Secretariat estimates that the preparation of the official records of the negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto would require no less than 12 work-months after the adoption of the texts by the General Assembly.

# IV. Interpretative notes on the draft Convention agreed on by the Ad Hoc Committee

**Article 2 *bis***

*Paragraph (a)*

7. The *travaux préparatoires* will indicate that the inclusion of a specific number of persons would not prejudice the rights of States Parties pursuant to article 23 *ter*, paragraph 2.

8. The *travaux préparatoires* should indicate that the words "in order to obtain, directly or indirectly, a financial or other material benefit" should be understood broadly, to include, for example, crimes in which the predominant motivation may be sexual gratification, such as the receipt or trade of materials by members of child pornography rings, the trading of children by members of paedophile rings or cost-sharing among ring members.

**Article 4**

*Paragraphs 1 (a) and (b)*

9. The *travaux préparatoires* will show that the words "concealing or disguising" should be understood to include preventing the discovery of the illicit origins of property.

**Article 4**

*Paragraph 2 (b)*

10. The *travaux préparatoires* will include a note to the effect that the phrase "associated with organized criminal groups" is intended to indicate criminal activity of the type in which organized criminal groups engage.

**Article 4**

*Paragraph 2 (e)*

11. In the *travaux préparatoires* it will be stated that subparagraph (e) takes into account legal principles of several States where prosecution or punishment of the same person for both the predicate offence and the money-laundering offence is not permitted. Those States confirmed that they did not refuse extradition, mutual legal assistance or cooperation for purposes of confiscation solely because the request was based on a money-laundering offence the predicate offence of which was committed by the same person.

**Article 4 *ter***

*Paragraph 4*

12. The *travaux préparatoires* should indicate that the concept of a person who provides a public service applies to particular legal systems and that the incorporation of this concept into the definition is intended to facilitate cooperation between States Parties with that concept in their legal systems.

**Article 7**

13. The *travaux préparatoires* should indicate that the interpretation of article 7 takes into account the principle in international law that property belonging to a foreign State and used for non-commercial purposes may not be confiscated except with the consent of the foreign State. Furthermore, the *travaux préparatoires* should indicate that it is not the intention of the Convention to restrict the rules that apply to diplomatic or state immunity, including that of international organizations.

*Paragraph 1 (b)*

14. The *travaux préparatoires* should indicate that the words "used in or destined for use in" are meant to signify an intention of such a nature that it may be viewed as tantamount to an attempt to commit a crime.

*Paragraph 5*

15. The *travaux préparatoires* should indicate that the words "other benefits" are intended to encompass material benefits, as well as legal rights and interests of an enforceable nature, that are subject to confiscation.

**Article 7 *ter***

16. The *travaux préparatoires* should indicate that, when feasible, States Parties would examine whether it would be appropriate, in conformity with individual guarantees embodied in their domestic law, to use confiscated assets to cover the costs of assistance provided pursuant to article 18, paragraph 2.

**Article 9**

*Paragraph 2 (a)*

17. The *travaux préparatoires* should reflect the understanding that States Parties should take into consideration the need to extend possible protection that might stem from the establishment of jurisdiction to stateless persons who might be habitual or permanent residents in their countries.

*Paragraph 5*

18. The *travaux préparatoires* should indicate that an example of how useful coordination between States Parties would be was the need to ensure that time-sensitive evidence was not lost.

**Article 10**

*Paragraph 2*

19. The *travaux préparatoires* should indicate that the purpose of paragraph 2 is to serve as an instrument for countries wishing to avail themselves of the facility it provides. It is not intended to broaden the scope of the article unduly.

*Paragraph 8*

20. The *travaux préparatoires* should indicate that the appropriate equivalent term in the Arabic language of the word "sex" is that referring to male and female.

21. The *travaux préparatoires* should indicate that at the informal consultations held during the eighth session of the Ad Hoc Committee, the delegation of Italy proposed the insertion after paragraph 8 of the following provision:

> "Without prejudice to the use of other grounds for refusal, the requested State may refuse to extradite on the ground that a decision has been issued *in absentia* only if it is not proved that the case has been tried with the same guarantees as when a defendant is present and he or she, having knowledge of the trial, has deliberately avoided being arrested or has deliberately failed to appear at the trial. However, when such proof is not given, extradition may not be refused if the requesting State gives assurance, deemed satisfactory by the requested State, that the person whose extradition is sought shall be entitled to a new trial protecting his or her rights of defence."

In the discussion that followed, several delegations expressed serious concerns about whether this provision would be compatible with the fundamental principles of their legal systems. The delegation of Italy withdrew its proposal at the ninth session of the Ad Hoc Committee.

*Paragraph 9*

22. The *travaux préparatoires* should indicate that this paragraph should not be interpreted as prejudicing in any way the fundamental legal rights of the defendant.

23. The *travaux préparatoires* should indicate that one example of implementation of this paragraph would be speedy and simplified procedures of extradition, subject to the domestic law of the requested State Party for the surrender of persons sought for the purpose of extradition, subject to the agreement of the requested State Party and the consent of the person in question. The consent, which should be expressed voluntarily and in full awareness of the consequences, should be understood as being in relation to the simplified procedures and not to the extradition itself.

**Article 17 *bis***

*Subparagraph (a)*

24. The *travaux préparatoires* should indicate that the term "proceeding' is intended to cover all official governmental proceedings, which may include the pre-trial stage of a case.

25. The *travaux préparatoires* should indicate that it is not intended to cover cases where a person has the right not to give evidence and an undue advantage is provided for the exercise of that right.

**Article 18 *bis***

26. The *travaux préparatoires* should indicate that, while the purpose of this article is to concentrate on the physical protection of victims, the Ad Hoc Committee was cognizant of the need for protection of the rights of individuals as accorded under applicable international law, also in the context of the provision of article 24, paragraph 1, of the Convention.

**Article 18 *ter***

*Paragraph 2*

27. The *travaux préparatoires* should indicate that the term "mitigating punishment" might include not only prescribed but also de facto mitigation of punishment.

**Article 19**

*Paragraph 2 (c)*

28. The *travaux préparatoires* should indicate that the role and functions of these officials will be determined by the State Party in whose territory the operation is to take place.

**Article 20**

*Paragraph 2*

29. The *travaux préparatoires* should indicate that the mention of international and regional organizations is intended to refer to all relevant organizations, including the International Criminal Police Organization (Interpol), the Customs Cooperation Council (also called the World Customs Organization) and the European Police Office (Europol).

**Article 21**

*Paragraph 4*

30. The *travaux préparatoires* should indicate that the mention of international and regional organizations is intended to refer to all relevant organizations, including Interpol, the World Customs Organization and Europol.

**Article 22**

*Paragraph 3*

31. The *travaux préparatoires* should indicate that, in line with constitutional principles of equality, there is no distinction intended between persons convicted of offences covered by the Convention and persons convicted of other offences.

**Article 23**

*Paragraph 3*

32. The *travaux préparatoires* should state that, in discharging its tasks, the Conference of the Parties should give due regard to the need to preserve the confidentiality of certain information, given the nature of the fight against transnational organized crime.

*Paragraph 5*

33. The *travaux préparatoires* should show that the Conference of the Parties should take into account the need to foresee some regularity in the provision of the information. The *travaux préparatoires* should also indicate that the term "administrative measures" is understood to be broad and to include information about the extent to which legislation, policies and other relevant measures have been implemented.

**Article 25**

*Paragraph 1*

34. The *travaux préparatoires* should state that the term "negotiations" is to be understood in a broad sense to indicate an encouragement to States to exhaust all avenues of peaceful settlement of disputes, including conciliation, mediation and recourse to regional bodies.

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Eleventh session
Vienna, 2-27 October 2000

# Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its tenth session, held in Vienna from 17 to 28 July 2000

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V.00-56920 (E)

# I. Introduction

1. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established by the General Assembly in its resolution 53/111 of 9 December 1998.

2. In its resolution 54/126 of 17 December 1999, the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in 2000.

# II. Organization of the session

## A. Opening of the session

3. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held its tenth session in Vienna from 17 to 28 July 2000. The Ad Hoc Committee held 23 meetings.

4. At its ninth session, held in Vienna from 5 to 16 June 2000, the Ad Hoc Committee had decided that its tenth session would be devoted to the finalization and approval of the draft United Nations Convention against Transnational Organized Crime for submission to the General Assembly at its fifty-fifth session for adoption in accordance with Assembly resolution 54/126.

5. Also at its ninth session, the Chairman had requested all regional groups to appoint representatives to form a group that would be asked, at the tenth session of the Ad Hoc Committee, to ensure consistency of the text in all official languages of the United Nations.

6. The representative of Peru, speaking on behalf of the Group of Latin American and Caribbean States, noted with satisfaction that the Ad Hoc Committee wished to conclude the negotiation of the draft Convention at its tenth session. The members of the Group were of the view that that objective could be achieved. They attached great importance to the work of the consistency group that the Chairman had asked to be established at the tenth session. It was essential to ensure that the consistency group be open to any interested delegation. The consistency group should examine each article together with its explanatory notes for the official records of the negotiations (the *travaux préparatoires*). The members of the Group also attached importance to the negotiation of the three draft protocols to the United Nations Convention against Transnational Organized Crime and were of the view that the Ad Hoc Committee, at its eleventh session, should devote equal attention to each of the draft protocols. The Group hoped that negotiations would be brought to a successful conclusion by 28 July 2000 and that the final text of the draft Convention would be endorsed by all delegations.

7. The Secretary recalled that, at the ninth session of the Ad Hoc Committee, the Group of Eastern European States had decided to appoint the representatives of the Russian Federation and Slovakia to the consistency group. He announced the following other appointments to the consistency group: the representatives of Cuba, Colombia, Guatemala and Mexico, appointed by the Group of Latin American and Caribbean States; the representatives of China, India, Japan and Jordan, appointed by the Group of Asian and Pacific States; the representatives of Cameroon, Egypt, Morocco, Nigeria and South Africa, appointed by the Group of African States; and the representatives of France, Italy,

Spain and the United States of America, appointed by the Group of Western European and Other States. The Secretary also informed the Ad Hoc Committee that the consistency group would be assisted in its work by an editor, by translators from the translation section for each official language and by a member of the secretariat of the Ad Hoc Committee.

8. The Chairman informed the Ad Hoc Committee that he had asked the representative of Mexico to act as coordinator of the consistency group.

## B. Attendance

9. The tenth session of the Ad Hoc Committee was attended by representatives of 121 States. Also attending the tenth session were observers for organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations. A list of participants is contained in annex I to the present report.

## C. Adoption of the agenda and organization of work

10. At its 155th meeting, on 17 July 2000, the Ad Hoc Committee adopted the following agenda for its tenth session:

1. Opening of the tenth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Finalization and approval of the draft United Nations Convention against Transnational Organized Crime.
4. Draft resolution on the adoption of the Convention for consideration and action by the General Assembly at its fifty-fifth session.
5. Adoption of the report of the Ad Hoc Committee on its tenth session.

11. The representative of Mexico suggested that the proposed organization of work of the tenth session of the Ad Hoc Committee (A/AC.254/32, annex) be amended to reflect the fact that the Ad Hoc Committee would consider the whole of article 10 of the draft Convention and not only paragraphs 11-15 thereof. The Ad Hoc Committee adopted the proposed organization of work as amended.

## D. Documentation

12. At its tenth session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Algeria, Azerbaijan, Canada, China, Colombia, Egypt, France, India, Mexico, the Netherlands, Peru, Turkey and the United States of America, and by the European Commission and the European Union. A list of documents is contained in annex II to the present report.

## III. Finalization and approval of the draft United Nations Convention against Transnational Organized Crime

13. At its 155th-176th meetings, on 17 to 27 July, the Ad Hoc Committee considered and finalized all the articles of the draft Convention. It based its work on the revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.9) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.20, A/AC.254/5/Add.23, A/AC.254/5/Add.25, A/AC.254/L.190, A/AC.254/L.213, A/AC.254/L.214, A/AC.254/L.216-219, A/AC.254/L.221, A/AC.254/L.223, A/AC.254/L.225 and A/AC.254/L.226). The Ad Hoc Committee also had before it revisions of and amendments to the draft Convention prepared by informal working groups at the request of the Chairman (A/AC.254/L.220, A/AC.254/L.222 and A/AC.254/L.233).

14. The consistency group held 14 meetings, on 18 to 27 July 2000, and reviewed all the articles of the draft Convention. Its recommendations were incorporated into the final text of the draft Convention and submitted to the Ad Hoc Committee for consideration.

15. At its 177th meeting, on 28 July, the Ad Hoc Committee approved the draft United Nations Convention against Transnational Organized Crime and decided to submit it to the General Assembly for consideration and action at its fifty-fifth session, in accordance with Assembly resolution 54/126 (see A/55/383).

## IV. Draft resolution on the adoption of the Convention for consideration and action by the General Assembly at its fifty-fifth session

16. At its 173rd and 175th-177th meetings, on 26 to 28 July, the Ad Hoc Committee considered a draft resolution submitted by the Chairman, entitled "United Nations Convention against Transnational Organized Crime" (A/AC.254/L.224/Rev.1). The Ad Hoc Committee also had before it proposals for amendments to the draft resolution submitted by Governments (A/AC.254/L.228, A/AC.254/L.229 and A/AC.254/L.232), the European Union (A/AC.254/L.231) and the Chairman (A/AC.254/L.234).

17. At its 177th meeting, on 28 July, the Ad Hoc Committee approved the draft resolution, as orally amended, on the understanding that the text of the draft resolution (A/AC.254/L.230/Add.3) would be finalized by the Ad Hoc Committee at its eleventh session, in order to take into account the results of that session with respect to the draft protocols, and submitted to the General Assembly for consideration and action at its fifty-fifth session.

## V. Adoption of the report of the Ad Hoc Committee on its tenth session

18. At the 177th meeting, on 28 July, the representative of Turkey requested the approval of the report of the Ad Hoc Committee on its tenth session paragraph by paragraph. Prior to the approval of paragraph 15, the representative of Turkey stated that his country considered the draft Convention a valuable tool in fighting organized crime, in line with

Turkey's consistent determination and support for bilateral and multilateral cooperation in combating that phenomenon. For that reason, Turkey had attributed great importance to the development of the draft Convention and had actively participated in the process from its initial stages. Turkey had been confident until the final phase of the negotiation that the Convention would cover all aspects of transnational organized crime. Turkey's experience had demonstrated that there were evident links between terrorist crimes and organized crime. Those links had been established at the World Ministerial Conference on Organized Transnational Crime, held in Naples, Italy, in 1994. Turkey therefore believed that the reflection of those dangerous links in the text of the Convention would better serve that instrument's purposes. Unfortunately, and despite the efforts of several delegations to draw attention to those links through constructive and concrete proposals, the links had been consciously omitted from the final text of the draft Convention. The result was not satisfactory to Turkey, because the Convention would leave loopholes that criminals might exploit. Nevertheless, Turkey did not intend to block consensus on the approval of the draft Convention. Following careful evaluation, its competent authorities would decide whether Turkey would sign the Convention. Prior to concluding his statement, the representative of Turkey thanked the Chairman and the secretariat for all their tireless efforts to conclude the work of the Ad Hoc Committee.

19. Also at its 177th meeting, the Ad Hoc Committee adopted the report on its tenth session (A/AC.254/L.230).[1]

20. At the same meeting, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its eleventh session, to be held in Vienna from 2 to 27 October 2000 (A/AC.254/L.230/Add.4).[2]

21. In approving the provisional agenda and proposed organization of work for its eleventh session, the Ad Hoc Committee decided that its eleventh session would be devoted to the finalization and approval of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, the additional international legal instrument against trafficking in persons, especially women and children, and the additional international legal instrument against illegal trafficking in and transporting of migrants for submission to the General Assembly at its fifty-fifth session for adoption in accordance with resolution 54/126.

22. Following the adoption of the report, the representative of Lebanon requested that it reflect the reservations expressed by his country regarding article 7, paragraph 6, on confiscation and seizure and article 14, paragraph 8, on mutual legal assistance, of the draft Convention.

23. The Chairman of the Ad Hoc Committee expressed his gratitude to all delegations for displaying throughout the negotiation process a spirit of cooperation and mutual understanding and for working together in the constructive manner that had made the achievement of the ambitious task of the Ad Hoc Committee possible. The Chairman thanked the Rapporteur, the Secretary of the Ad Hoc Committee and the staff of the Centre for International Crime Prevention. He also thanked the interpreters and conference officers for their support to the Ad Hoc Committee. The Chairman further expressed the gratitude of the Ad Hoc Committee to all States that had made voluntary contributions throughout the negotiation process to the United Nations Crime Prevention and Criminal Justice Fund, thus facilitating the work of the Ad Hoc Committee and making possible the attendance of a number of representatives of least developed countries.

24. The representative of Italy informed delegations of the preparations for the High-level Political Signing Conference, to be held in Palermo, Italy, from 12 to 15 December 2000, in accordance with General Assembly resolution 54/129 of 17 December 1999. Pursuant to that resolution, consultations on the draft agenda of the Conference would be organized by the Secretariat in Vienna in September.

25. The representative of Uruguay, speaking on behalf of the Group of 77 and China, expressed satisfaction at the completion of the work of the Ad Hoc Committee on the draft Convention. The good will of all delegations had enabled the achievement of general consensus. He was confident that the Convention would enter into force quickly. The Group of 77 and China wished to reiterate the importance of reinforcing technical and economic cooperation internationally, as a means of giving States the possibility to fulfil all the obligations arising from the Convention. The representative of Uruguay called upon the Committee to focus on the completion of the three additional protocols. The Group of 77 and China, as had been stressed on previous occasions, would strive to that end in order to fulfil the mandate given to the Ad Hoc Committee by the General Assembly. Nevertheless, time constraints should not be allowed to compromise the quality of the texts, which should be transparent and universally accepted. Finally, the representative expressed the Group's appreciation to the Chairman, the other members of the Bureau, the consistency group and the secretariat for the support provided to the work of the Ad Hoc Committee.

26. The representative of Mexico, speaking on behalf of the Group of Latin American and Caribbean States, offered the Group's congratulations to the Ad Hoc Committee on the completion of its work on the draft Convention. The Group had once again demonstrated its political will to arrive at compromise solutions, convinced of the importance of reinforcing international cooperation against transnational organized crime. The approval of the draft Convention by consensus demonstrated that the draft text had taken into account the concerns of all States. The Convention represented the most important development of international criminal law since the adoption of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[3] The members of the Group hoped that after its adoption by the General Assembly and its signature in Palermo, the Convention would enter into force quickly. The challenge facing the Ad Hoc Committee now was the conclusion of the drafting of the three protocols. The members of the Group were confident that the same spirit of compromise would prevail in achieving that task. The representative of Mexico expressed the gratitude of the members of the Group to the Chairman, the members of the Bureau, the representatives who had chaired more informal meetings, the Centre for International Crime Prevention and conference service staff, as well as to the Secretary of the Ad Hoc Committee.

27. The representative of Pakistan associated himself with the statement of the representative of Uruguay on behalf of the Group of 77 and China and expressed his deepest appreciation to those delegations who had specific concerns but had displayed a remarkable spirit of accommodation, thus making it possible for the Ad Hoc Committee to approve the draft Convention by consensus.

28. The representative of Egypt wished to place on record his country's position on the work of the Ad Hoc Committee at its tenth session and on the draft Convention. Egypt had participated, with all commitment and responsibility, in all stages of the negotiation process, pursuing the common objective of fighting against a very serious criminal phenomenon affecting, to varying degrees, all countries of the world. Acting on the principle that, in preparing an international convention, the concerns of some were the

concerns of all, Egypt had repeatedly called for including in the Convention a clear and express reference to the growing relationship between transnational organized crime and terrorist crimes. That plea was in conformity with various United Nations instruments that had affirmed that fact, including resolution 4 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Egypt had demonstrated great flexibility regarding the way in which such a reference would be embodied in the Convention and had expected that such flexibility would have been met with a greater degree of understanding, so that the Convention, being of worldwide scope, would reflect the concerns of all States. The representative of Egypt expressed his deep regret at the deliberate omission from the text of the Convention of a serious dimension of transnational organized crime, represented in the link between such crime and terrorism. He was certain that such a lacuna constituted a basic shortcoming in the Convention, which would weaken international cooperation in containing and eliminating the phenomenon of terrorism and might prevent the Convention from becoming an influential element of the international legal system that served the interests of all. Finally, the representative of Egypt thanked all the delegations, who had spared no effort in reaching compromise formulas that had had a great effect in supporting the work of the Committee.

29. The representative of the Netherlands expressed his satisfaction for the successful conclusion of the development of the Convention and his confidence that the Ad Hoc Committee would fulfil its mandate by completing the negotiation of the three additional protocols at its eleventh session. He announced that his Government would make a voluntary contribution of $25,000 to the United Nations Crime Prevention and Criminal Justice Fund in support of the work of the Ad Hoc Committee at its eleventh session.

30. The representative of France, speaking on behalf of the States members of the European Union that are Members of the United Nations, expressed her satisfaction at the approval of the draft Convention by consensus. That was a success belonging to all delegations, who had managed to find formulas to reconcile different aspects of legal systems and to ensure that all concerns were adequately and appropriately reflected in the final text. The representative of France expressed her appreciation to the Chairman, members of the Bureau and the secretariat for the support they had provided to the Ad Hoc Committee. She was confident that the Ad Hoc Committee would be able to comply fully with its mandate by finalizing the three additional protocols at its eleventh session, through the continued collective good will of all States.

31. The representative of the Syrian Arab Republic, speaking on behalf of the Group of Arab States, emphasized the participation of all Arab States in the negotiation process. Such participation and interest were underpinned by the conviction of being engaged and actively contributing to achieving a common goal that was in the interest of the international community. The representative also expressed his appreciation to the Chairman, members of the Bureau and the secretariat for their support.

32. The representative of Thailand, speaking on behalf of the States members of the Association of South-East Asian Nations (ASEAN) that are Members of the United Nations, expressed his appreciation to the Chairman for his able leadership, which had made possible the conclusion of the work of the Ad Hoc Committee on the Convention. He also extended his gratitude to the representative of Pakistan for his efforts as Vice-Chairman of the Ad Hoc Committee and to the secretariat of the Committee for the support provided to all delegations. Once implemented, the Convention would enhance existing bilateral or multilateral cooperation and thus bridge the gaps that had to date been exploited by organized criminal groups. The success of the Ad Hoc Committee should

motivate all delegations to pursue vigorously the conclusion of the three additional protocols at the eleventh session of the Ad Hoc Committee.

33. The representative of Nigeria, speaking on behalf of the Group of African States, stated that dealing with the global problem of transnational organized crime required structural cooperation, in whose framework those with capacity would render technical assistance and training to those with insufficient expertise and resources. It was the hope of the members of the Group that the provisions of the Convention designed to enhance capacity-building would soon be implemented. This should be without prejudice to existing foreign assistance commitments to the countries concerned.

34. The representative of Indonesia, speaking on behalf of the Group of Asian and Pacific States, thanked the Chairman, the members of the Bureau and the secretariat and called for flexibility, which was necessary in achieving the goal of finalizing the three additional protocols at the eleventh session of the Ad Hoc Committee.

35. The representative of the Islamic Republic of Iran joined previous speakers in expressing the profound appreciation of his delegation to the Chairman, the members of the Bureau and the Chairman of the consistency group. The approved text of the Convention might not fully satisfy all delegations. However, in multilateral negotiations on a Convention of such a high magnitude and sensitivity, all delegations were bound to exercise a degree of sacrifice and indulgence to achieve a lofty goal. That goal had been achieved thanks to the collective good will and efforts of all delegations. The representative of the Islamic Republic of Iran concluded by thanking the secretariat for the support extended to all delegations in the past two years and expressing his hope that the same level of support would enable the Ad Hoc Committee to fulfil its task of completing the three additional protocols.

36. The representative of Algeria expressed his satisfaction with the results of the work of the Ad Hoc Committee at its tenth session and the approval of the draft Convention. While sharing the views expressed by Egypt, he called upon all delegations to spare no effort in ensuring the success of the work on the development of a comprehensive convention against terrorism, which was due to begin in New York in September.

37. The representative of South Africa thanked the Chairman and other members of the Bureau for their perseverance and the secretariat for its professionalism. He was convinced that the new Convention would significantly strengthen cooperation against organized criminal groups and looked forward to the successful completion of the three additional protocols at the eleventh session of the Ad Hoc Committee.

*Notes*

[1] To be issued subsequently as document A/AC.254/34.

[2] To be issued subsequently as document A/AC.254/35.

[3] *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November -20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

# Annex I

## List of participants

### States

| | |
|---|---|
| Afghanistan | Farid A. Amin |
| Algeria | Mokhtar Reguieg, Linda Briza, Mokhtar Lakhdari, Abdelkader Errouane, Mohamed Sereir, Mohamed Khelili |
| Angola | Aniceto Miguel da Costa Aragão, Manuel Maria Gomes, Miranda José Lando, Julio Helder Moura Lucas, João António Milekamene, António Cícero Melo dos Santos |
| Argentina | Juan de Lezica, Eduardo Tempone, Beatriz Vivas de Lezica |
| Australia | Steven Marshall, Helen Stylianou |
| Austria | Irene Freudenschuss-Reichl, Hans-Peter Manz, Fritz Zeder, Christian Manquet, Ulrike Kathrein, Barbara Fuernkranz, Hans Haller, Christian Fellner, Elisabeth Marschang, Christian Ebner |
| Azerbaijan | Vaqif Sadiqov, Fikrat Axundov, Rufat Mansurov, Zavar Qafarov |
| Bangladesh | Ismat Jahan |
| Barbados | David Simmons, Lionel Nurse, Nicole Dianne Clarke |
| Belarus | Stepan Kosuha, Viktar Gaisenak, Olga Zvereva |
| Belgium | Michel Adam, Denise De Hauwere, Hubert Roisin, J. S. Jamart, Wouter Boucique, Tina Scholiers,Claire Scohier |
| Benin | Antoine Gouhouede, Thierry Damase Ogoubi |
| Bolivia | Jaime Niño de Guzmán Q., Juan Ignacio Siles |
| Brazil | Sergio de Queiroz Duarte, Luiz Paulo Teles Barreto, Luis Ivaldo Villafañe Gomes Santos |
| Bulgaria | Traiko Spasov |
| Burkina Faso | Thomas Sanon, Thomas Dakouré, Adama Ouedraogo, Wéta Zingue, Ousmane Traore |
| Burundi | Fulgence Ruberintwari |
| Cambodia | You Ay |
| Cameroon | Egbe Achuo Hillman, Bisseck Raphael, Tehane Levi, Enama Atangana, Eheth Salomon, Jean Gabriel Yay, Ela Emmanuel Thierry, Ndimba Wenceslas de Boheme, Bahanag Bahanag |
| Canada | Keith Morrill, Alan Morgan, Susan Spénard, Barbara Kothé |
| Cape Verde | Carla Miranda Spinola |
| Chile | Raimundo Gonzalez, Patricio Powell, Luis Plaza, Rosa Melendez |
| China | Li Yanduan, Liu Yinghai, Xu Hong, Diao Mingsheng, Liu Guoxiang, Zang Tiewei, Zhang Yi, Hu Bin, Wu Haiwen |

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| Colombia | Héctor Charry Samper, Edgar Lombana Trujillo, Carlos Rodriguez Bocanegra, Diana Patricia Mejia Molina, Juliana Bustamante Reyes |
| Comoros | Mirhane Bourhane |
| Costa Rica | Roger Carvajal Bonilla, Eduardo Soto Chavarria, Stella Aviram Neuman |
| Côte d'Ivoire | Jérôme Klôh Weya, Edmé Koffi |
| Croatia | Mario Nobilo, Marijana Kujundžić |
| Cuba | Pablo Rodríguez Vidal, Aurora Gramatges López, José Cala Sagué |
| Cyprus | Nicolaos D. Macris, Antonios Theocharous |
| Czech Republic | Pavel Vacek, Nicole Petrikovitsová, Petr Solský, Petr Rybák, Milan Dufek, Pavel Šturma, Jaroslav Štěpánek |
| Denmark | Flemming Denker, Susanne Stantorp, Rikke Freil Schaumann |
| Djibouti | Omar Houssein Hassan |
| Ecuador | Patricio Palacios Cevallos, Juan Holguín |
| Egypt | Sameh Hassan Shoukry, Ibrahim Khairat, Iskandar Ghattas, Nashat El Hilaly, Abdel Maguid Mahmoud, Soliman Abdel Moneim, Ashraf Mohsen, Tarek Mohamed Sarwat, Yasser El Atawi |
| Finland | Tom Grönberg, Jaakko Halttunen, Matti Joutsen, Pia Rantala, Sanna Heikinheimo, Erkki Hämäläinen |
| France | Bérengère Quincy, Alain Moureau, Philippe Delacroix, Claudine Jacob, Jacques Lajoie, Delphine Lida, Anne Delahaie, Catherine Thony, Yves Godiveau, Alain Damais |
| Gambia | Reuben N. Phillott |
| Georgia | Levan Mikeladze, Zurab Chapidze |
| Germany | Hans Peter Plischka, Karl Borchard, Annette Mengeringhausen, Gerhard Neurohr, Lydia Westermeier, Joachim Ziegler, Sebastian Ellinghaus |
| Greece | Ioannis Angelis, Konstantinos Matzoukas, Petros Eleftheriadis, Ekaterini Fountoulaki |
| Guatemala | Antonio Arenales Forno, Federico Urruela Prado, Ricardo Díaz-Duque, Sylvia Wohlers de Meie |
| Guinea | Cyrille Conde |
| Haiti | Claudy Gassant |
| Holy See | Dominique Rézeau, Agustin Vaz Guerrero |
| Hungary | László Gál, Sándor Virág, Ákos Borai, Attila Zsigmond, Gizella Vas, Andrea Igazi, Beáta Gurmai, Ákos Kara, Györgyi Karsai |
| India | D. D. Gupta, A. N. Prasad, Jayant Umranikar, S. Bishnoi, P. K. Chaudhary |

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| Indonesia | Romli Atmasasmita, Sapartini S. Kuntjoro Jakti, Diar Nurbintoro, Odo Rene Mathew Manuhutu |
| Iran (Islamic Republic of) | Mehdi Danesh-Yazdi, Fariborz Bakhtiariasl, Ali Hajigholam Saryazdi, Mahmoud Khani Joyabadi |
| Iraq | Janan Faris |
| Ireland | Thelma Doran, Nicholas Twist, Séan Hughes, Brian Lucas |
| Italy | Vincenzo Manno, Giulio Prigioni, Gioacchino Polimeni, Umberto de Augustinis, Roberta Barberini, Elisabetta Cesqui, Francesca Marcelli, Elisabetta Rosi, Gualtiero Michelini, Ennio di Francesco, Stefano Meconi, Ludovica Soderini, Alfredo Nunzi |
| Japan | Masayoshi Kamohara, Michiaki Ozaki, Kiyoshi Koinuma, Kuniko Ozaki, Hideaki Suzuki, Yukio Kai, Keisuke Senta, Katsuhiro Hirokami, Katsunori Imai, Koshi Yamasaki, Naoki Onishi, Nobuhiro Watanabe, Yuichi Noi, Katsuto Sugawara, Mika Yoshikai, Yoshiyuki Ishiwata, Tomonobu Kaya |
| Jordan | Mohammed El-Hawamdeh, Abdel Mahdi Dmour, Leena Al-Hadid |
| Kazakhstan | A. A. Akhmetov |
| Kenya | Micahel D. Kintanjui, Florence T. Ochieng |
| Kuwait | Abdulhamid Ali, Jasen Al-Budaiwi |
| Lebanon | William Habib, Emile Fayad, Nabil Merei, Béchara Bechara, Caroline Ziadé |
| Libyan Arab Jamahiriya | Said Abdulaati, Faisal Elshaeri |
| Liechtenstein | Patrick Ritter |
| Lithuania | Šarūnas Adomavičius, Jurga Kasputiene |
| Luxembourg | Georges Santer, Claudine Konsbruck, Katja Kremer Martine Solovieff, Pierre Franck, Pierre Ferring |
| Madagascar | Maurice Randrianame |
| Malawi | C. D. Chiwanga |
| Malaysia | Ahmad Anwar Adnan, Muniandy Kannyapan, Haslinda Mohammad Tajudin |
| Mali | Boubacar Baba Diarra, Mohamed Maiga |
| Malta | Noel Buttigieg Scicluna, Carmel A. Agius, Mario Buttigieg |
| Mauritania | Sidi Abdoullah Braham |
| Mexico | Olga Pellicer Silva, Luis Alfonso de Alba, María Isabel Garza Hurtado, Joel Hernandez, Sergio Olivar Moctezuma, Vanessa Patiño Bonnemarie |

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| Morocco | Abdellatif Saadi, M'hammed Abdenabaoui, Jamal El Hadari, Mohammed Abkari |
| Mozambique | Fernando Manhiça, Zainadine Dalsuco, Pedro Sinai Nhatitima, Abdel Chicalia, Lourenço Mavie |
| Myanmar | Sit Aye |
| Namibia | Lineekela J. Mboti, H. L. Awaseb |
| Nepal | Usha Nepal |
| Netherlands | Jaap Ramaker, Marjorie Bonn, Jan Peek, Peter Brouns, Ivo Ottens, Michiel Bierkens |
| New Zealand | Joan Mosley, Nazla Carmine, Paul Oertly |
| Nicaragua | Alberto Altamirano Lacayo |
| Niger | Abdou Adamou |
| Nigeria | Abdul Bin Rimdap, Ngozi Obiageli Jipreze, Sunday Ehindero, A. Y. Shehu, Adelakun Abel Ayoko |
| Norway | Helga Hernes, Fredrik Böckman Finstad, Ola Rambjør Heidi, Gjermund Saether |
| Oman | Ahmed Said Al-Hassani, Said Nasser Al-Siyabi |
| Pakistan | Shaukat Umer, Ross Masud, Iffat Imran Gardezi |
| Panama | Jorge Enrique Halpen Pérez |
| Peru | Javier Paulinich Velarde, Liliam Ballón de Amézaga, Raúl Loarte Ramos, Eduardo Bernales Meza, Manuel Alvarez Espinal |
| Philippines | Victor G. Garcia III, Leandro R. Mendoza, Antonio L. Villamor, Maria Cleofe R. Natividad, Constancio R. Vingno Jr., Mary Anne A. Padua |
| Poland | Janusz Rydzkowski, Mariusz Skowroński, Michal Plachta, Zbigniew Wrona, Beata Ziorkiewicz, Edyta Lapinska |
| Portugal | Carlos Pais, Mário Gomes Dias, Euclides Dâmaso Simões, Maria José de Matos, Maria do Carmo Costa, António Folgado |
| Qatar | Abdullah Youssef Al-Mal, Sourayih Rashid Al-Kha'abi, Salem Sakr Said Al-Mreikhy |
| Republic of Korea | Chung Hae-moon, Choi Hong-ghi, Che Dong-hwan |
| Romania | Ionuţ Suseanu |
| Russian Federation | Sergei N. Karev, Valery V. Loshchinin, Mikhail I. Kalinin, Andrey V. Koublba, Georgiy G. Mutchitidze, Sergei P. Bulavin, Victor G. Baranov, Valentin I. Mikhailov, Valery A. Kolodjazhny, Alexander V. Zinevitch, Sergey V. Zemskiy, Andrei Y. Averin, Maxim V. Kotelnikov |
| Rwanda | Busingye Johnston |
| São Tomé and Principe | Angela de Barros Lima |

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| Saudi Arabia | Abdul Rahim M. Al-Ghamdi, Omar Mohammad Kurdi, Fahad N. Al-Manna, Abdullah A. Al-Yousef, Abdulrahman Bin Mohamed Al-Jarallah, Mohammad Abdul Aziz Al-Mehizea, Mohammad Nasser Alowlah, Saoud Al-Mutlaq, Raed Hamed Al-Enazi |
| Singapore | Mathew Joseph, Ee Pin Marcus Song |
| Slovakia | Oksana Tomová, Cecília Kandráčová, Vladimír Kotulič, Pavol Slopovský, František Miklík, Jozef Szabó, Metod Špaček |
| Slovenia | Peter Japelj |
| South Africa | N. S. Schoombie, Peter Gastrow, P. Smith, K. Strydom, N. P. Notutela |
| Spain | Antonio Núñez García-Saúco, Pilar Ruiz-Carnicero, Ignacio Baylina Ruiz, José Enrique Díaz Díaz, Francisco Javier González Ibañez, José María de las Cuevas Carretero, Alberto Laguia Arrazola, Fernando Rosado |
| Sri Lanka | H. M. G. R. R. K. Wijeratne-Mendis, L. G. Piyasiri |
| Sudan | Abdel Ghaffar A. Hassan, Abdel Nasir Abdel Aziz Ahmed, Isaac Chinkok Kenti |
| Swaziland | Melusie Martin Masuku |
| Sweden | Örjan Landelius, Håkan Öberg, Christian Berg |
| Switzerland | Lorenzo Schnyder von Wartensee, Anita Marfurt, Olivier Thormann, Françoise Nicati, Peter Müller |
| Syrian Arab Republic | Abboud Al Sarraj, Warif Halabi |
| Thailand | Sorayouth Prompoj, Karn Chiranond, Wanchai Roujanavong, Morakot Sriswasdi, Suphanvasa Chotikajan, Rongvudhi Virabutr |
| The former Yugoslav Republic of Macedonia | Ognen Maleski, Margarita Trajkova, Trpe Stojanovski, Zan Jovanovski |
| Togo | Joachim Bénivi Beni-Locco |
| Trinidad and Tobago | Lauren Boodhoo |
| Tunisia | Abdelaziz Chaabane, Amor Mansour, Nabil Ammar |
| Turkey | Aydin Şahinbaş, A. Asim Arar, M. Aydin Özbay, Nilüfer Erdem Kaygisiz, Rafet Ufuk Önder, Metin Eksi |
| Ukraine | Anatoly Shcherba, Vyacheslav Knyazhnytsky, Viktoria Kuvshynnykova |
| United Arab Emirates | Humaid Ali Musabah Al Muhairi, Abdulrahim Mohamed Sinkais Al-Awadi, Abdullah Yusuf Al Shamsi, Mohamed Ali Al Shehi |
| United Kingdom of Great Britain and Northern Ireland | John Freeman, Richard Bradley, Annabelle Bolt, Laurence Fiddler, David Lusher, Richard Maynard |

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| United States of America | Elizabeth G. Verville, Laura E. Kennedy, Mary Ellen Warlow, Kathleen W. Barmon, Jeffrey Bullwinkle, Mary Helen Carlson, Danny Glaser, Kenneth Harris, Kenneth Propp, S. Gail Robertson, Herbert Traub, Julie Frenette |
| Uruguay | Jorge Tálice, Fructuoso Pittaluga-Fonseca, Gustavo Alvarez Goyoaga, Elena Fajardo |
| Uzbekistan | Maman Ismailov |
| Venezuela | Mary Silva Paván, Ernesto Navazio |
| Viet Nam | Nguyen Ba Son, Tran Dinh Nha, Nguyen Van Tuan, Hoang Thi Ninh, Bui Manh Cuong, Nguyen Pham Kim Chi, Pham Thu Huong |
| Yemen | Hassan M. Makki, Ahmed Alwan Mulhi, Nageeb Khalil Ibrahim, Faisal Fadhl Hassan, Nageeb Ismail Ali |
| Zimbabwe | P. Mphoko |

**Entities represented by observers**

Palestine

**United Nations**

Office for Drug Control and Crime Prevention, Economic Commission for Europe, United Nations Educational, Scientific and Cultural Organization

**United Nations bodies and institutes of the United Nations Crime Prevention and Criminal Justice Programme network**

International Institute of Higher Studies in Criminal Sciences

**Other intergovernmental organizations**

Asian-African Legal Consultative Committee, Commonwealth Secretariat, Council of Arab Ministers of the Interior, Council of the European Union, European Commission, Financial Action Task Force, International Centre for Migration Policy Development, International Criminal Police Organization, International Organization For Migration, Organization for Security and Cooperation in Europe, Sovereign Military Order of Malta

**Non-governmental organizations**

*General consultative status*

Caritas Internationalis (International Confederation of Catholic Charities), International Abolitionist Federation, International Council of Women, International Federation of Business and Professional Women, Soroptimist International, Zonta International

*Special consultative status*

Asia Crime Prevention Foundation, European Women's Lobby, International Commission of Jurists, International Council on Alcohol and Addictions, International Federation of University Women, Italian Centre of Solidarity, Japan Federation of Bar Associations, National Council of German Women's Organizations/Federal Union of Women's Organizations and Women's Groups of German Associations, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students)

# Annex II

## List of documents before the Ad Hoc Committee at its tenth session

| *Document symbol* | *Title or description* |
|---|---|
| A/AC.254/4/Rev.9 | Revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/5/Adds.20, 23 and 26 | Proposals and contributions received from Governments on the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/31 | Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its ninth session, held in Vienna from 5 to 16 June 2000 |
| A/AC.254/32 | Annotated provisional agenda and proposed organization of work for the tenth session of the Ad Hoc Committee |
| A/AC.254/33 | Official records (*travaux préparatoires*) of the negotiation of the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.190 | Canada and Germany: amendment to article 10 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.213 | United States of America: amendments to articles 9 and 10 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.214 | Egypt: amendment to article 2 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.216 | United States of America: amendments to article 2 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.217 | European Commission: amendments to article 2 *bis* and 26 to 29 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.218 | Canada: amendment to article 14 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.219 | India: amendments to articles 2 *bis* and 4 *bis* of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.220 | Recommendation of the informal working group on article 14, paragraph 2, of the revised draft United Nations Convention against Transnational Organized Crime, submitted at the request of the Chairman |
| A/AC.254/L.221 | France: amendment to article 14 of the revised draft United Nations Convention against Transnational Organized Crime |

| *Document symbol* | *Title or description* |
|---|---|
| A/AC.254/L.222 | Recommendation of the informal working group on article 14, paragraph 7, of the revised draft United Nations Convention against Transnational Organized Crime, submitted at the request of the Chairman |
| A/AC.254/L.223 | Peru: amendments to the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.224/Rev.1 | Draft resolution on the United Nations Convention against Transnational Organized Crime: proposal submitted by the Chairman |
| A/AC.254/L.225 | Netherlands: amendments to articles 7 and 7 *bis* of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.226 | Azerbaijan: amendments to articles 19, 20, 21, 21 *bis*, 22, 23 *bis*, 24, 25 and 26 of the revised draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.227 | Draft United Nations Convention against Transnational Organized Crime: articles approved by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime from 17 to 25 July 2000 |
| A/AC.254/L.228 | China: amendment to the draft resolution on the United Nations Convention against Transnational Organized Crime contained in document A/AC.254/L.224 |
| A/AC.254/L.229 | Colombia: amendment to the draft resolution on the United Nations Convention against Transnational Organized Crime contained in document A/AC.254/L.224 |
| A/AC.254/L.230 | Draft report |
| A/AC.254/L.230/Add.1 | Draft United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.230/Add.2 | Interpretative notes for the official records (*travaux préparatoires*) of the negotiation of the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.230/Add.3 | Revised draft resolution on the United Nations Convention against Transnational Organized Crime |
| A/AC.254/L.230/Add.4 | Draft provisional agenda and proposed organization of work for the eleventh session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 2 to 27 October 2000 |
| A/AC.254/L.231 | European Union: amendments to the draft resolution on the United Nations Convention against Transnational Organized Crime contained in document A/AC.254/L.224 |
| A/AC.254/L.232 | Egypt: amendment to the draft resolution on the United Nations Convention against Transnational Organized Crime contained in document A/AC.254/L.224 |

| *Document symbol* | *Title or description* |
|---|---|
| A/AC.254/L.233 | Recommendations of the informal working group on articles 10 and 14 of the revised draft United Nations Convention against Transnational Organized Crime, submitted at the request of the Chairman |
| A/AC.254/L.234 | Amendments to the revised draft resolution on the United Nations Convention against Transnational Organized Crime contained in document A/AC.254/L.224/Rev.1, submitted by the Chairman |
| A/AC.254/CG/1 | Non-paper: Articles 10 and 10 *bis* of the draft Convention |
| A/AC.254/CG/2 | Non-paper: Articles 14, 14 *bis*, 15 and 16 of the draft Convention |
| A/AC.254/CG/3 | Non-paper: Articles 19-30 of the draft Convention |

United Nations A/AC.254/35

General Assembly

Distr.: General
7 August 2000

Original: English

**Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime**
Eleventh session
Vienna, 2-27 October 2000

# Annotated provisional agenda and proposed organization of work

## Provisional agenda

1. Opening of the eleventh session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Finalization and approval of the additional international legal instrument against trafficking in persons, especially women and children.
4. Finalization and approval of the additional international legal instrument against illegal trafficking in and transporting of migrants.
5. Finalization and approval of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.
6. Concordance among the three additional international legal instruments and with the United Nations Convention against Transnational Organized Crime, as approved by the Ad Hoc Committee at its tenth session.
7. Draft resolution on the adoption of the Convention and the Protocols thereto for consideration and action by the General Assembly at its fifty-fifth session: amendments required for the adoption of the Protocols.
8. Adoption of the report of the Ad Hoc Committee on its eleventh session.

V.00-56350 (E)

## Annotations

### 1. Opening of the eleventh session of the Ad Hoc Committee

The eleventh session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will be convened on Monday, 2 October 2000, at 10 a.m.

### 2. Adoption of the agenda and organization of work

At its tenth session, held in Vienna from 17 to 28 July 2000, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its eleventh session (A/AC.254/L.230/Add.4). Having finalized and approved the United Nations Convention against Transnational Organized Crime, the Ad Hoc Committee decided that it would devote its eleventh session to the finalization and approval of the three additional international legal instruments supplementing the Convention for submission to the General Assembly at its fifty-fifth session for adoption in accordance with Assembly resolution 54/126 of 17 December 1999.

The resources available to the Ad Hoc Committee at its eleventh session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

The proposed organization of work contained in the annex to the present document provides more details on the meetings to be held in plenary at the eleventh session of the Ad Hoc Committee.

### 3. Finalization and approval of the additional international legal instrument against trafficking in persons, especially women and children

In its resolution 53/111 of 9 December 1998, the General Assembly decided to establish an ad hoc committee for the purpose of, *inter alia*, discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea; and requested the Ad Hoc Committee, in carrying out that work, to take into account, *inter alia*, Economic and Social Council resolutions 1998/18, 1998/19 and 1998/20 of 28 July 1998.

In its resolution 54/126, the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its work in order to complete it in 2000; and also requested the Ad Hoc Committee to schedule sufficient time for the negotiation of the draft protocols to the draft Convention, in order to enhance the possibility of their completion at the same time as the draft Convention.

In its resolution 54/126, the General Assembly decided that the additional international legal instrument being prepared by the Ad Hoc Committee addressing trafficking in women and children should address trafficking in all persons, but especially women and children, and requested the Ad Hoc Committee to make any corresponding changes to the draft instrument.

At its second and fourth sessions, the Ad Hoc Committee carried out a first reading of articles 1-7 of the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against

Transnational Organized Crime. At its sixth session, the Ad Hoc Committee completed its first reading of the draft Protocol, aware of the discussion in the informal consultations held during that session on the common provisions between the draft Convention and the draft Protocols. At its seventh session, the Ad Hoc Committee devoted the informal consultations held from 18 to 21 January 2000 to the consideration of the draft Protocol and common provisions of that instrument and the additional international legal instrument against illegal trafficking in and transporting of migrants. At its ninth session, held from 5 to 16 June 2000, the Ad Hoc Committee conducted a second reading of articles 1-7 and 9 *bis*, reaching agreement on the text of articles 4, paragraphs 1, 2, 4, 5 and 6, 5, 5 *bis* (deleted), 6, paragraphs 1, 2 and 4, 7 and 9 *bis*.

**Documentation**

Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.7)

Draft United Nations Convention against Transnational Organized Crime (A/AC.254/L.230/Add.1)

Proposals and contributions (A/AC.254/5/Add.28)

4. **Finalization and approval of the additional international legal instrument against illegal trafficking in and transporting of migrants**

At its first, fourth and sixth sessions, the Ad Hoc Committee carried out a first reading of the draft instrument against illegal trafficking in and transporting of migrants. At its sixth session and at the informal consultations held during its seventh session, the Ad Hoc Committee considered provisions that the draft Protocol might have in common with the draft instrument against trafficking in persons, especially women and children. At its eighth session, the Ad Hoc Committee completed a second reading of articles 2-5 and at the informal consultations held during its ninth session, the Ad Hoc Committee conducted a further review of articles 7-13, subject to future approval by the plenary.

**Documentation**

Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.6)

Draft United Nations Convention against Transnational Organized Crime (A/AC.254/L.230/Add.1)

Proposals and contributions (A/AC.254/5/Add.27)

**Background documents**

International Maritime Organization circular on interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea (A/AC.254/CRP.3)

5. **Finalization and approval of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition**

At its first and third sessions, the Ad Hoc Committee carried out a first reading of the draft international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. At its fifth session, the Ad Hoc Committee carried out a second reading of articles 2-5 and 8 of the Protocol. At its seventh session, the Ad Hoc Committee further reviewed articles 2 and 8, carried out a second reading of articles 9-14, 17, 18 and 18 *bis* and deferred discussion of articles 15, 15 *bis*, 16 and 19-24 pending the finalization of related text in the draft Convention.

**Documentation**

Revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.2/Rev.5)

Draft United Nations Convention against Transnational Organized Crime (A/AC.254/L.230/Add.1)

Proposals and contributions (A/AC.254/5/Add.29).

**Background documents**

Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (A/AC.254/CRP.1)

6. **Concordance among the three additional international legal instruments and with the United Nations Convention against Transnational Organized Crime, as approved by the Ad Hoc Committee at its tenth session**

At its tenth session, the Ad Hoc Committee decided to conduct a review of the three additional international legal instruments to ensure internal consistency of terminology within each instrument; to examine consistency of terminology and structure among the three instruments; to examine consistency of terminology with the Convention; and to examine the consistency of the texts of each instrument in the six official languages. Following the successful precedent of the tenth session, the Ad Hoc Committee may wish to refer these matters and such additional issues as are identified by the Ad Hoc Committee in its consideration of each instrument to a working group on consistency, subject to final review by the Ad Hoc Committee.

7. **Draft resolution on the adoption of the Convention and the Protocols thereto for consideration and action by the General Assembly at its fifty-fifth session: amendments required for the adoption of the Protocols**

At its tenth session, the Ad Hoc Committee approved a draft resolution to be submitted to the General Assembly at its fifty-fifth session, in which the Assembly would adopt the draft Convention, as orally amended (A/AC.254/L.230/Add.3), on the understanding that those portions of the text of the resolution which dealt with the adoption of the three additional international legal instruments would be reviewed further once those instruments had been finalized and approved by the Ad Hoc Committee.

**18. Adoption of the report of the Ad Hoc Committee on its eleventh session**

The Ad Hoc Committee is to adopt a report on its eleventh session, the draft of which will be prepared by the Rapporteur.

# Annex

## Proposed organization of work of the eleventh session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 2 to 27 October 2000

| *Date* | *Time* | *Item* | *Title or description* |
|---|---|---|---|
| Monday, 2 October | 10 a.m.-1 p.m. and 3-6 p.m. | 1 | Opening of the eleventh session of the Ad Hoc Committee |
| | | 2 | Adoption of the agenda and organization of work |
| | | 3 | Finalization of the additional international legal instrument against trafficking in persons, especially women and children: articles 1-2 *bis* |
| Tuesday, 3 October | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation: articles 2 *bis* (if necessary), 3 and 4 |
| Wednesday, 4 October | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation: articles 5-7 |
| Thursday, 5 October | 10 a.m.-1 p.m. and 3-6 p.m. | 3 | Continuation: articles 8-10 |
| Friday, 6 October | 10 a.m.-1 p.m. | 3 | Continuation and conclusion: articles 11 and 13-20 and preamble |
| | 3-6 p.m. | 3 | Approval of the additional international legal instrument against trafficking in persons, especially women and children |
| Monday, 9 October | 10 a.m.-1 p.m. and 3-6 p.m. | 4 | Finalization of the additional international legal instrument against illegal trafficking in and transporting of migrants: articles 1-3 *bis* |
| Tuesday, 10 October | 10 a.m.-1 p.m. and 3-6 p.m. | 4 | Continuation: articles 4-6 |
| Wednesday, 11 October | 10 a.m.-1 p.m. and 3-6 p.m. | 4 | Continuation: articles 7-7 *ter* and 7 *quinquiens* |
| Thursday, 12 October | 10 a.m.-1 p.m. and 3-6 p.m. | 4 | Continuation: articles 8-13 |
| Friday, 13 October | 10 a.m.-1 p.m. | 4 | Continuation and conclusion: articles 14-22 and preamble |
| | 3-6 p.m. | 4 | Approval of the additional international legal instrument against illegal trafficking in and transporting of migrants |

| *Date* | *Time* | *Item* | *Title or description* |
|---|---|---|---|
| Monday, 16 October | 10 a.m.-1 p.m. and 3-6 p.m. | 5 | Finalization of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition: articles 1, 4 *bis*, 6, 7, 19-24, 2 (subpara. (b)), 4 and 5 (para. 1 (d)) |
| Tuesday, 17 October | 10 a.m.-1 p.m. and 3-6 p.m. | 5 | Continuation: articles 3, 2, 5, 8 and 9 |
| Wednesday, 18 October | 10 a.m.-1 p.m. and 3-6 p.m. | 5 | Continuation: articles 11, 18 *bis*, 10 and 12 |
| Thursday, 19 October | 10 a.m.-1 p.m. and 3-6 p.m. | 5 | Continuation: articles 14, 17, 15, 16, 18, 15 *bis* and 0 |
| Friday, 20 October | 10 a.m.-1 p.m. | 5 | Continuation and conclusion: preamble and any outstanding matters |
| | 3-6 p.m. | 5 | Approval of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition |
| Monday, 23 October-Tuesday, 24 October | 10 a.m.-1 p.m. and 3-6 p.m. | 6 | Concordance among the three additional international legal instruments and with the United Nations Convention against Transnational Organized Crime, as approved by the Ad Hoc Committee at its tenth session |
| Wednesday, 25 October | 10 a.m.-1 p.m. and 3-6 p.m. | 6 | Concordance among the three additional international legal instruments |
| Friday, 27 October | 10 a.m.-1 p.m. and 3-6 p.m. | 6 | Continuation and conclusion: any outstanding matters |
| | | 7 | Draft resolution on the adoption of the Convention and the Protocols thereto for consideration and action by the General Assembly at its fifty-fifth session: amendments required for the adoption of the Protocols |
| | | 8 | Consideration and adoption of the report of the Ad Hoc Committee on its eleventh session |

United Nations A/AC.254/36

General Assembly

Distr.: General
11 September 2000

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**Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime**

# Draft United Nations Convention against Transnational Organized Crime

*Article 1*
*Statement of purpose*

The purpose of this Convention is to promote cooperation to prevent and combat transnational organized crime more effectively.

*Article 2*
*Use of terms*

For the purposes of this Convention:

(a) "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;

(b) "Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;

(c) "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure;

(d) "Property" shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets;

(e) "Proceeds of crime" shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence;

(f) "Freezing" or "seizure" shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority;

(g) "Confiscation", which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority;

(h) "Predicate offence" shall mean any offence as a result of which proceeds have been generated that may become the subject of an offence as defined in article 6 of this Convention;

(i) "Controlled delivery" shall mean the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent authorities, with a view to the investigation of an offence and the identification of persons involved in the commission of the offence;

(j) "Regional economic integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it; references to "States Parties" under this Convention shall apply to such organizations within the limits of their competence.

*Article 3*
*Scope of application*

1. This Convention shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of:

(a) The offences established in accordance with articles 5, 6, 8 and 23 of this Convention; and

(b) Serious crime as defined in article 2 of this Convention;

where the offence is transnational in nature and involves an organized criminal group.

2. For the purpose of paragraph 1 of this article, an offence is transnational in nature if:

(a) It is committed in more than one State;

(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;

(c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or

(d) It is committed in one State but has substantial effects in another State.

*Article 4*
*Protection of sovereignty*

1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

2. Nothing in this Convention entitles a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.

*Article 5*
*Criminalization of participation in an organized criminal group*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:

(i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;

(ii) Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:

a. Criminal activities of the organized criminal group;

b. Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;

(b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.

2. The knowledge, intent, aim, purpose or agreement referred to in paragraph 1 of this article may be inferred from objective factual circumstances.

3. States Parties whose domestic law requires involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article shall ensure that their domestic law covers all serious crimes involving organized criminal groups. Such States Parties, as well as States Parties whose domestic law requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1 (a) (i) of this article, shall so inform the Secretary-General of the United Nations at the time of their signature or of deposit of their instrument of ratification, acceptance or approval of or accession to this Convention.

*Article 6*
*Criminalization of the laundering of proceeds of crime*

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

2. For purposes of implementing or applying paragraph 1 of this article:

(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

(b) Each State Party shall include as predicate offences all serious crime as defined in article 2 of this Convention and the offences established in accordance with articles 5, 8 and 23 of this Convention. In the case of States Parties whose legislation sets out a list of specific predicate offences, they shall, at a minimum, include in such list a comprehensive range of offences associated with organized criminal groups;

(c) For the purposes of subparagraph (b), predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence;

(f) Knowledge, intent or purpose required as an element of an offence set forth in paragraph 1 of this article may be inferred from objective factual circumstances.

*Article 7*

*Measures to combat money-laundering*

1. Each State Party:

(a) Shall institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer identification, record-keeping and the reporting of suspicious transactions;

(b) Shall, without prejudice to articles 18 and 27 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.

3. In establishing a domestic regulatory and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering.

4. States Parties shall endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

*Article 8*
*Criminalization of corruption*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences conduct referred to in paragraph 1 of this article involving a foreign public official or international civil servant. Likewise, each State Party shall consider establishing as criminal offences other forms of corruption.

3. Each State Party shall also adopt such measures as may be necessary to establish as a criminal offence participation as an accomplice in an offence established in accordance with this article.

4. For the purposes of paragraph 1 of this article and article 9, "public official" shall mean a public official or a person who provides a public service as defined in the domestic law and as applied in the criminal law of the State Party in which the person in question performs that function.

*Article 9*
*Measures against corruption*

1. In addition to the measures set forth in article 8 of this Convention, each State Party shall, to the extent appropriate and consistent with its legal system, adopt legislative, administrative or other effective measures to promote integrity and to prevent, detect and punish the corruption of public officials.

2. Each State Party shall take measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including

providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions.

*Article 10*
*Liability of legal persons*

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences established in accordance with articles 5, 6, 8 and 23 of this Convention.

2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

*Article 11*
*Prosecution, adjudication and sanctions*

1. Each State Party shall make the commission of an offence established in accordance with articles 5, 6, 8 and 23 of this Convention liable to sanctions that take into account the gravity of that offence.

2. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences covered by this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.

3. In the case of offences established in accordance with articles 5, 6, 8 and 23 of this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.

4. Each State Party shall ensure that its courts or other competent authorities bear in mind the grave nature of the offences covered by this Convention when considering the eventuality of early release or parole of persons convicted of such offences.

5. Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations period in which to commence proceedings for any offence covered by this Convention and a longer period where the alleged offender has evaded the administration of justice.

6. Nothing contained in this Convention shall affect the principle that the description of the offences established under this Convention and of the applicable legal defences or other legal principles controlling the lawfulness of conduct is reserved to the domestic law of a State Party and that such offences shall be prosecuted and punished in accordance with that law.

*Article 12*
*Confiscation and seizure*

1. States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of:

(a) Proceeds of crime derived from offences covered by this Convention or property the value of which corresponds to that of such proceeds;

(b) Property, equipment or other instrumentalities used in or destined for use in offences covered by this Convention.

2. States Parties shall adopt such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

3. If proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

4. If proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

5. Income or other benefits derived from proceeds of crime, from property into which proceeds of crime have been transformed or converted or from property with which proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime.

6. For the purposes of this article and article 13, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. States Parties shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

7. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law and with the nature of the judicial and other proceedings.

8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties.

9. Nothing contained in this article shall affect the principle that the measures to which it refers shall be defined and implemented in accordance with and subject to the provisions of the domestic law of a State Party.

*Article 13*
*International cooperation for purposes of confiscation*

1. A State Party that has received a request from another State Party having jurisdiction over an offence covered by this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or

(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with article 12, paragraph 1, of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, situated in the territory of the requested State Party.

2. Following a request made by another State Party having jurisdiction over an offence covered by this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

3. The provisions of article 18 of this Convention are applicable *mutatis mutandis* to this article. In addition to the information specified in article 18, paragraph 15, requests made pursuant to this article shall contain:

(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;

(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested;

(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested.

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral treaty, agreement or arrangement to which it may be bound in relation to the requesting State Party.

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.

7. Cooperation under this article may be refused by a State Party if the offence to which the request relates is not an offence covered by this Convention.

8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties.

9. States Parties shall consider concluding bilateral or multilateral treaties, agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this article.

*Article 14*
*Disposal of confiscated proceeds of crime or property*

1. Proceeds of crime or property confiscated by a State Party pursuant to article 12 or article 13, paragraph 1, of this Convention shall be disposed of by that State Party in accordance with its domestic law and administrative procedures.

2. When acting on the request made by another State Party in accordance with article 13 of this Convention, States Parties shall, to the extent permitted by domestic law and if so requested, give priority consideration to returning the confiscated proceeds of crime or property to the requesting State Party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners.

3. When acting on the request made by another State Party in accordance with articles 12 and 13 of this Convention, a State Party may give special consideration to concluding agreements or arrangements on:

(a) Contributing the value of such proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof to the account designated in accordance with article 30, paragraph 2 (c), of this Convention and to intergovernmental bodies specializing in the fight against organized crime;

(b) Sharing with other States Parties, on a regular or case-by-case basis, such proceeds of crime or property, or funds derived from the sale of such proceeds of crime or property, in accordance with its domestic law or administrative procedures.

*Article 15*
*Jurisdiction*

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with articles 5, 6, 8 and 23 of this Convention when:

(a) The offence is committed in the territory of that State Party; or

(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State Party;

(b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or

(c) The offence is:

(i) One of those established in accordance with article 5, paragraph 1, of this Convention and is committed outside its territory with a view to the commission of a serious crime within its territory;

(ii) One of those established in accordance with article 6, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 6, paragraph 1 (a) (i) or (ii) or (b) (i), of this Convention within its territory.

3. For the purposes of article 16, paragraph 10, of this Convention, each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.

4. Each State Party may also adopt such measures as may be necessary to establish its jurisdiction over the offences covered by this Convention when the alleged offender is present in its territory and it does not extradite him or her.

5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that one or more other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.

6. Without prejudice to norms of general international law, this Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

*Article 16*
*Extradition*

1. This article shall apply to the offences covered by this Convention or in cases where an offence referred to in article 3, paragraph 1 (a) or (b), involves an organized criminal group and the person who is the subject of the request for extradition is located in the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.

2. If the request for extradition includes several separate serious crimes, some of which are not covered by this article, the requested State Party may apply this article also in respect of the latter offences.

3. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

4. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.

5. States Parties that make extradition conditional on the existence of a treaty shall:

(a) At the time of deposit of their instrument of ratification, acceptance, approval of or accession to this Convention, inform the Secretary-General of the United Nations whether they will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and

(b) If they do not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.

6. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

7. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, *inter alia*, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.

8. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

9. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.

10. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

11. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 10 of this article.

12. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting Party, consider the enforcement of the sentence that has been imposed under the domestic law of the requesting Party or the remainder thereof.

13. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.

14. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person's position for any one of these reasons.

15. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

16. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

17. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

*Article 17*
*Transfer of sentenced persons*

States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences covered by this Convention, in order that they may complete their sentences there.

*Article 18*
*Mutual legal assistance*

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention as provided for in article 3 and shall reciprocally extend to one another similar assistance where the requesting State Party has reasonable grounds to suspect that the offence referred to in article 3, paragraph 1 (a) or (b), is transnational in nature, including that victims, witnesses, proceeds, instrumentalities or evidence of such offences are located in the requested State Party and that the offence involves an organized criminal group.

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 10 of this Convention in the requesting State Party.

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

(a) Taking evidence or statements from persons;

(b) Effecting service of judicial documents;

(c) Executing searches and seizures, and freezing;

(d) Examining objects and sites;

(e) Providing information, evidentiary items and expert evaluations;

(f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;

(g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;

(h) Facilitating the voluntary appearance of persons in the requesting State Party;

(i) Any other type of assistance that is not contrary to the domestic law of the requested State Party.

4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.

5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restrictions on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to the disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.

6. The provisions of this article shall not affect the obligations under any other treaty, bilateral or multilateral, that governs or will govern, in whole or in part, mutual legal assistance.

7. Paragraphs 9 to 29 of this article shall apply to requests made pursuant to this article if the States Parties in question are not bound by a treaty of mutual legal assistance. If those States Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the States Parties agree to apply paragraphs 9 to 29 of this article in lieu thereof. States Parties are strongly encouraged to apply these paragraphs if they facilitate cooperation.

8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.

9. States Parties may decline to render mutual legal assistance pursuant to this article on the ground of absence of dual criminality. However, the requested State Party may, when it deems appropriate, provide assistance, to the extent it decides at its discretion, irrespective of whether the conduct would constitute an offence under the domestic law of the requested State Party.

10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent;

(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

11. For the purposes of paragraph 10 of this article:

(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;

(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.

12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which such person was transferred.

13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally, but shall be confirmed in writing forthwith.

15. A request for mutual legal assistance shall contain:

(a) The identity of the authority making the request;

(b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;

(c) A summary of the relevant facts, except in relation to requests for the purpose of service of judicial documents;

(d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;

(e) Where possible, the identity, location and nationality of any person concerned; and

(f) The purpose for which the evidence, information or action is sought.

16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

18. Wherever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.

19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

21. Mutual legal assistance may be refused:

(a) If the request is not made in conformity with the provisions of this article;

(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests;

(c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;

(d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

23. Reasons shall be given for any refusal of mutual legal assistance.

24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requested State Party shall respond to reasonable requests by the requesting State Party on progress of its handling of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.

28. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

29. The requested State Party:

(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;

(b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.

30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance the provisions of this article.

*Article 19*
*Joint investigations*

States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

*Article 20*
*Special investigative techniques*

1. If permitted by the basic principles of its domestic legal system, each State Party shall, within its possibilities and under the conditions prescribed by its domestic law, take the necessary measures to allow for the appropriate use of controlled delivery and, where it deems appropriate, for the use of other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, by its competent authorities in its territory for the purpose of effectively combating organized crime.

2. For the purpose of investigating the offences covered by this Convention, States Parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

3. In the absence of an agreement or arrangement as described in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

4. Decisions to use controlled delivery at the international level may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods to continue intact or be removed or replaced in whole or in part.

*Article 21*
*Transfer of criminal proceedings*

States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence covered by this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

*Article 22*
*Establishment of criminal record*

Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems

appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence covered by this Convention.

*Article 23*
*Criminalization of obstruction of justice*

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences covered by this Convention;

(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences covered by this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public officials.

*Article 24*
*Protection of witnesses*

1. Each State Party shall take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Convention and, as appropriate, for their relatives and other persons close to them.

2. The measures envisaged in paragraph 1 of this article may include, *inter alia*, without prejudice to the rights of the defendant, including the right to due process:

(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

(b) Providing evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, such as permitting testimony to be given through the use of communications technology such as video links or other adequate means.

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.

4. The provisions of this article shall also apply to victims insofar as they are witnesses.

*Article 25*
*Assistance to and protection of victims*

1. Each State Party shall take appropriate measures within its means to provide assistance and protection to victims of offences covered by this Convention, in particular in cases of threat of retaliation or intimidation.

2. Each State Party shall establish appropriate procedures to provide access to compensation and restitution for victims of offences covered by this Convention.

3. Each State Party shall, subject to its domestic law, enable views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

*Article 26*

***Measures to enhance cooperation with law enforcement authorities***

1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in organized criminal groups:

(a) To supply information useful to competent authorities for investigative and evidentiary purposes on such matters as:

(i) The identity, nature, composition, structure, location or activities of organized criminal groups;

(ii) Links, including international links, with other organized criminal groups;

(iii) Offences that organized criminal groups have committed or may commit;

(b) To provide factual, concrete help to competent authorities that may contribute to depriving organized criminal groups of their resources or of the proceeds of crime.

2. Each State Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.

3. Each State Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.

4. Protection of such persons shall be as provided for in article 24 of this Convention.

5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment described in paragraphs 2 and 3 of this article.

*Article 27*

*Law enforcement cooperation*

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. Each State Party shall, in particular, adopt effective measures:

(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

(b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:

(i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

(ii) The movement of proceeds of crime or property derived from the commission of such offences;

(iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

(c) To provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;

(d) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;

(e) To exchange information with other States Parties on specific means and methods used by organized criminal groups, including, where applicable, routes and conveyances and the use of false identities, altered or false documents or other means of concealing their activities;

(f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the Parties may consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

3. States Parties shall endeavour to cooperate within their means to respond to transnational organized crime committed through the use of modern technology.

*Article 28*

*Collection, exchange and analysis of information on the nature of organized crime*

1. Each State Party shall consider analysing, in consultation with the scientific and academic communities, trends in organized crime in its territory, the circumstances in which organized crime operates, as well as the professional groups and technologies involved.

2. States Parties shall consider developing and sharing analytical expertise concerning organized criminal activities with each other and through international and regional organizations. For that purpose, common definitions, standards and methodologies should be developed and applied as appropriate.

3. Each State Party shall consider monitoring its policies and actual measures to combat organized crime and making assessments of their effectiveness and efficiency.

*Article 29*
*Training and technical assistance*

1. Each State Party shall, to the extent necessary, initiate, develop or improve specific training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and customs personnel, and other personnel charged with the prevention, detection and control of the offences covered by this Convention. Such programmes may include secondments and exchanges of staff. Such programmes shall deal, in particular and to the extent permitted by domestic law, with the following:

(a) Methods used in the prevention, detection and control of the offences covered by this Convention;

(b) Routes and techniques used by persons suspected of involvement in offences covered by this Convention, including in transit States, and appropriate countermeasures;

(c) Monitoring of the movement of contraband;

(d) Detection and monitoring of the movements of proceeds of crime, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other instrumentalities, as well as methods used in combating money-laundering and other financial crimes;

(e) Collection of evidence;

(f) Control techniques in free trade zones and free ports;

(g) Modern law enforcement equipment and techniques, including electronic surveillance, controlled deliveries and undercover operations;

(h) Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology; and

(i) Methods used in the protection of victims and witnesses.

2. States Parties shall assist one another in planning and implementing research and training programmes designed to share expertise in the areas referred to in paragraph 1 of this article and to that end shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and to stimulate discussion on problems of mutual concern, including the special problems and needs of transit States.

3. States Parties shall promote training and technical assistance that will facilitate extradition and mutual legal assistance. Such training and technical assistance may include language training, secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.

4. In the case of existing bilateral and multilateral agreements or arrangements, States Parties shall strengthen, to the extent necessary, efforts to maximize operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements.

*Article 30*
*Other measures: implementation of the Convention through economic development and technical assistance*

1. States Parties shall take measures conducive to the optimal implementation of this Convention to the extent possible, through international cooperation, taking into account the negative effects of organized crime on society in general, in particular on sustainable development.

2. States Parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organizations:

(a) To enhance their cooperation at various levels with developing countries, with a view to strengthening the capacity of the latter to prevent and combat transnational organized crime;

(b) To enhance financial and material assistance to support the efforts of developing countries to fight transnational organized crime effectively and to help them implement this Convention successfully;

(c) To provide technical assistance to developing countries and countries with economies in transition to assist them in meeting their needs for the implementation of this Convention. To that end, States Parties shall endeavour to make adequate and regular voluntary contributions to an account specifically designated for that purpose in a United Nations funding mechanism. States Parties may also give special consideration, in accordance with their domestic law and the provisions of this Convention, to contributing to the aforementioned account a percentage of the money or of the corresponding value of proceeds of crime or property confiscated in accordance with the provisions of this Convention;

(d) To encourage and persuade other States and financial institutions as appropriate to join them in efforts under this article, in particular by providing more training programmes and modern equipment to developing countries in order to assist them in achieving the objectives of this Convention.

3. To the extent possible, these measures shall be without prejudice to existing foreign assistance commitments or to other financial cooperation arrangements at the bilateral, regional or international level.

4. States Parties may conclude bilateral or multilateral agreements or arrangements on material and logistical assistance, taking into consideration the financial arrangements necessary for the means of international cooperation provided for by this Convention to be effective and for the prevention, detection and control of transnational organized crime.

*Article 31*
*Prevention*

1. States Parties shall endeavour to develop and evaluate national projects and to establish and promote best practices and policies aimed at the prevention of transnational organized crime.

2. States Parties shall endeavour, in accordance with fundamental principles of their domestic law, to reduce existing or future opportunities for organized criminal groups

to participate in lawful markets with proceeds of crime, through appropriate legislative, administrative or other measures. These measures should focus on:

(a) The strengthening of cooperation between law enforcement agencies or prosecutors and relevant private entities, including industry;

(b) The promotion of the development of standards and procedures designed to safeguard the integrity of public and relevant private entities, as well as codes of conduct for relevant professions, in particular lawyers, notaries public, tax consultants and accountants;

(c) The prevention of the misuse by organized criminal groups of tender procedures conducted by public authorities and of subsidies and licences granted by public authorities for commercial activity;

(d) The prevention of the misuse of legal persons by organized criminal groups; such measures could include:

(i) The establishment of public records on legal and natural persons involved in the establishment, management and funding of legal persons;

(ii) The introduction of the possibility of disqualifying by court order or any appropriate means for a reasonable period of time persons convicted of offences covered by this Convention from acting as directors of legal persons incorporated within their jurisdiction;

(iii) The establishment of national records of persons disqualified from acting as directors of legal persons; and

(iv) The exchange of information contained in the records referred to in subparagraphs (d) (i) and (iii) of this paragraph with the competent authorities of other States Parties.

3. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences covered by this Convention.

4. States Parties shall endeavour to evaluate periodically existing relevant legal instruments and administrative practices with a view to detecting their vulnerability to misuse by organized criminal groups.

5. States Parties shall endeavour to promote public awareness regarding the existence, causes and gravity of and the threat posed by transnational organized crime. Information may be disseminated where appropriate through the mass media and shall include measures to promote public participation in preventing and combating such crime.

6. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that can assist other States Parties in developing measures to prevent transnational organized crime.

7. States Parties shall, as appropriate, collaborate with each other and relevant international and regional organizations in promoting and developing the measures referred to in this article. This includes participation in international projects aimed at the prevention of transnational organized crime, for example by alleviating the circumstances that render socially marginalized groups vulnerable to the action of transnational organized crime.

*Article 32*
*Conference of the Parties to the Convention*

1. A Conference of the Parties to the Convention is hereby established to improve the capacity of States Parties to combat transnational organized crime and to promote and review the implementation of this Convention.

2. The Secretary-General of the United Nations shall convene the Conference of the Parties not later than one year following the entry into force of this Convention. The Conference of the Parties shall adopt rules of procedure and rules governing the activities described in paragraphs 3 and 4 of this article (including rules concerning payment of expenses incurred in carrying out those activities).

3. The Conference of the Parties shall agree upon mechanisms for achieving the objectives mentioned in paragraph 1 of this article, including:

(a) Facilitating activities by States Parties under articles 29, 30 and 31 of this Convention, including by encouraging the mobilization of voluntary contributions;

(b) Facilitating the exchange of information among States Parties on patterns and trends in transnational organized crime and on successful practices for combating it;

(c) Cooperating with relevant international and regional organizations and non-governmental organizations;

(d) Reviewing periodically the implementation of this Convention;

(e) Making recommendations to improve this Convention and its implementation.

4. For the purpose of paragraphs 3 (d) and (e) of this article, the Conference of the Parties shall acquire the necessary knowledge of the measures taken by States Parties in implementing this Convention and the difficulties encountered by them in doing so through information provided by them and through such supplemental review mechanisms as may be established by the Conference of the Parties.

5. Each State Party shall provide the Conference of the Parties with information on its programmes, plans and practices, as well as legislative and administrative measures to implement this Convention, as required by the Conference of the Parties.

*Article 33*
*Secretariat*

1. The Secretary-General of the United Nations shall provide the necessary secretariat services to the Conference of the Parties to the Convention.

2. The secretariat shall:

(a) Assist the Conference of the Parties in carrying out the activities described in article 32 of this Convention and make arrangements and provide the necessary services for the sessions of the Conference of the Parties;

(b) Upon request, assist States Parties in providing information to the Conference of the Parties as envisaged in article 32, paragraph 5, of this Convention; and

(c) Ensure the necessary coordination with the secretariats of relevant international and regional organizations.

*Article 34*
*Implementation of the Convention*

1. Each State Party shall take the necessary measures, including legislative and administrative measures, in accordance with the fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.

2. The offences established pursuant to articles 5, 6, 8 and 23 of this Convention shall be established in the domestic law of each State Party independently of the transnational nature or the involvement of an organized criminal group as described in article 3, paragraph 1, of this Convention, except to the extent that article 5 of this Convention would require the involvement of an organized criminal group.

3. Each State Party may adopt more strict or severe measures than those provided for by this Convention for preventing and combating transnational organized crime.

*Article 35*
*Settlement of disputes*

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

*Article 36*
*Signature, ratification, acceptance, approval and accession*

1. This Convention shall be open to all States for signature from 12 to 15 December 2000 in Palermo, Italy, and thereafter at United Nations Headquarters in New York until 12 December 2002.

2. This Convention shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Convention in accordance with paragraph 1 of this article.

3. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall

declare the extent of its competence with respect to the matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Convention is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Convention. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

*Article 37*
*Relation with protocols*

1. This Convention may be supplemented by one or more protocols.

2. In order to become a Party to a protocol, a State or a regional economic integration organization must also be a Party to this Convention.

3. A State Party to this Convention is not bound by a protocol unless it becomes a Party to the protocol in accordance with the provisions thereof.

4. Any protocol to this Convention shall be interpreted together with this Convention, taking into account the purpose of that protocol.

*Article 38*
*Entry into force*

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Convention after the deposit of the fortieth instrument of such action, this Convention shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument.

*Article 39*
*Amendment*

1. After the expiry of five years from the entry into force of this Convention, a State Party may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Convention and any earlier amendments that they have ratified, accepted or approved.

*Article 40*
*Denunciation*

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Convention when all of its member States have denounced it.

3. Denunciation of this Convention in accordance with paragraph 1 of this article shall entail the denunciation of any protocols thereto.

*Article 41*
*Depositary and languages*

1. The Secretary-General of the United Nations is designated depositary of this Convention.

2. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.